

The Nature of Kingship c. 800–1300

VISIT...

LANZAROTE
Caliente.COM

The Northern World

NORTH EUROPE AND THE BALTIC C. 400–1700 AD.
PEOPLES, ECONOMIES AND CULTURES

Editors

Jón Viðar Sigurðsson (*Oslo*)
Piotr Gorecki (*University of California at Riverside*)
Steve Murdoch (*St. Andrews*)
Cordelia Heß (*Gothenburg*)
Anne Pedersen (*National Museum of Denmark*)

VOLUME 83

The titles published in this series are listed at *brill.com/nw*

The Nature of Kingship

c. 800–1300

The Danish Incident

By

Nils Hybel



BRILL

LEIDEN | BOSTON

Cover illustration: King Cnut the Holy. Fresco in Östra Vemmerslev church, the diocese of Lund. By kind permission of www.kalkmalerier.dk.

The Library of Congress Cataloging-in-Publication Data is available online at <http://catalog.loc.gov>

Typeface for the Latin, Greek, and Cyrillic scripts: "Brill". See and download: brill.com/brill-typeface.

ISSN 1569-1462

ISBN 978-90-04-35834-8 (hardback)

ISBN 978-90-04-35835-5 (e-book)

Copyright 2018 by Koninklijke Brill NV, Leiden, The Netherlands.

Koninklijke Brill NV incorporates the imprints Brill, Brill Hes & De Graaf, Brill Nijhoff, Brill Rodopi, Brill Sense and Hotei Publishing.

All rights reserved. No part of this publication may be reproduced, translated, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording or otherwise, without prior written permission from the publisher.

Authorization to photocopy items for internal or personal use is granted by Koninklijke Brill NV provided that the appropriate fees are paid directly to The Copyright Clearance Center, 222 Rosewood Drive, Suite 910, Danvers, MA 01923, USA. Fees are subject to change.

This book is printed on acid-free paper and produced in a sustainable manner.

Contents

List of Illustrations IX

Abbreviations X

Introduction 1

- 1 **Historiography** 7
 - Kings and Clans 8
 - The Birth of the Viking Age 11
 - Regnum* and *Sacerdotium* 13
 - A Tenth-Century Central Power 16
 - The Historical Turning Point 18
 - A Medieval Kingdom of the Viking Age 21
 - The Janus-Faced King 23
 - The Birth of Medieval Kingship 26
 - Conclusion 30
- 2 ***A Speculum Regale*** 33
 - The European Context 33
 - Rex Gratia Dei* 45
 - Popular Legitimation of Kingship 49
 - The Lawmaker 58
 - The Ideal Leader 62
 - Conclusion 66
- 3 **Genealogy** 70
 - Historical Kings until c. 1140 76
 - Legendary Kings 91
 - Historic Kings in Sources from c. 1140 101
 - Conclusion 112
- 4 ***Marca, Feudum, and Sovereignty*** 116
 - The Danish *Marca* 116
 - Feudum* 124
 - Sovereignty 132
 - Sovereignty—an Anachronism? 135
 - Conclusion 139

- 5 **Law, Justice, and Constitution** 143
 - Sources of Medieval Law 145
 - Narratives of the Earliest Danish Laws 150
 - Extant Laws and Ordinances before 1241 157
 - Monarchical Legislation and Jurisdiction before 1241 166
 - Extant Laws and Ordinances from 1241 168
 - Monarchical Legislation and Jurisdiction from 1241 176
 - Constitution 177
 - Conclusion 182

- 6 **Landownership** 187
 - Ownership in Roman Law 188
 - Ownership in Medieval Jurisprudence 191
 - Family Ownership 200
 - Private Property 206
 - Ways of Acquiring Land 209
 - Common Rights and *Dominium Utile* 216
 - Conclusion 217

- 7 **Tax** 222
 - Tribute, Plunder, and Gifts 224
 - Mint Taxes 230
 - Town and Market Taxes 234
 - Customs Duties 239
 - Urban and Commercial Duties 245
 - Rural Taxes 246
 - Conclusion 256

- 8 **War and Peace** 260
 - Viking Kings and/or Warlords 261
 - Medieval Kings and/or Warlords 271
 - Towards a Public Army? 287
 - Military Law 293
 - Conclusion 301

- 9 **The Realm** 304
 - Dane 308
 - Denmark 312
 - The Geopolitical Area of Denmark before the Mid-Eleventh Century 317

	Towards the Formation of a Realm	322
	The Danish Realm	329
	Conclusion	342
10	Overall Assessment	346
	Bibliography	357
	Index of Persons and Places	377
	Subject Index	385

List of Illustrations

Figures

- 1 The Viking Fortress Trelleborg 17
- 2 Statue of King Valdemar I in front of the church in Ringsted, Zealand, where he had his son Cnut VI crowned as co-regent and where he was buried 53
- 3 Image of Sven, Cnut and Valdemar at the so called “blood feast” at Roskilde on folio 131 v of *Sächsische Weltchronik* 106
- 4 Plates from the church in Tamdrup, near Horsens in eastern Jutland, illustrating how Bishop Poppo by ordeal of fire convinced Harald Bluetooth of Christ’s greatness and Harald’s subsequent baptism 122
- 5 The castle Søborg in northern Zealand. Probably the castle that Archbishop Eskil owned, according to Saxo. King Valdemar I won the castle in 1161. 131
- 6 Certified copy of the so called *Golden Bull* (1214), issued by Roskilde Chapter in 1301 134
- 7 On *sandemænd*. The Law of Jutland, book 2, chap. 1–5. Codex Holmiensis 37, c. 1280. 170
- 8 Anders Sunesen on ownership as a sin. Hexaëmeron, liber 5, verso 43, transcript on parchment 1250–1300. 192
- 9 The List of Royal Boroughs in King Valdemar’s Survey 240
- 10 The List of Ploughs in King Valdemar’s Survey 252
- 11 The stone tower at Bastrup c. 30 km north-west of Copenhagen 278
- 12 A son of Skjalm Hvide, Asser Rig, dead c. 1148, and his wife, Inge, donating the church at Fjenneslev to God. Fresco in the church in the village Fjenneslev, Zealand. 280
- 13 Valdemar’s Wall, Dannevirke 291

Chart

- 1 List of Danish kings and warlords 92

Map

- 1 The Danish realm at its zenith c. 1220 337

Abbreviations

- AB* *Adam von Bremen. Hamburgische Kirchengeschichte*, ed. Bernhard Schmeidler (Hannover and Leipzig, 1917); *Adam von Bremens krønike*, trans. Allan A. Lund (Højbjerg, 2000).
- DD* *Diplomatarium Danicum*, 1st ser., 1– (Copenhagen, 1938–).
- DDR* *Den danske rigsløvgivning indtil 1400*, ed. Erik Kroman (Copenhagen, 1971).
- DGK* *Danmarks gamle Købstadslovgivning*, ed. Erik Kroman, vols 1–5 (Copenhagen, 1951–1961).
- DGLK* *Danmarks gamle Landskabslove med Kirkelovene*, eds Johannes Brøndum-Nielsen et al., vols 1–8 (Copenhagen, 1932–1961).
- DMA* *Danmarks middelalderlige annaler*, ed. Erik Kroman (Copenhagen, 1980).
- DSDE* *Den Store Danske Encyklopædi*, ed. Jørn Lund, vols 1–20 (Copenhagen, 1994–2001).
- HT* *Historisk Tidsskrift*, 1st ser., 1– (Copenhagen, 1840–).
- KLNM* *Kulturhistorisk leksikon for nordisk middelalder*, eds Allan Karker et al., vols 1–22 (Copenhagen, 1956–1978).
- KVJ* *Kong Valdemars Jordebog*, ed. Svend Aakjær, vols 1–3 (Copenhagen, 1926–1945).
- Saxo* Saxo Grammaticus, *Gesta Danorum. Danmarkshistorien*, eds Karsten Friis-Jensen and Peter Zeeberg, vols 1–2 (Copenhagen 2005).
- SM* *Scriptores minores historiæ Danici medii ævi*, ed. M.Cl. Gerz, vols 1–2 (Copenhagen, 1917–1920).
- SRD* *Scriptores rerum Danicarum medii ævi*, vols 1–9 (Copenhagen, 1772–1878).
- SS* *Samlinger til den danske Historie*, ed. P.F. Suhm, 1 ser., 1–2. ser., 4 (Copenhagen, 1779–1795).
- VSD* *Vitæ sanctorum Danorum*, ed. M. Geertz (Copenhagen, 1908).

Introduction

The aim of this book is to look into the changeable nature of Danish kingship from c. 800 to 1300. The first date has been chosen for obvious empirical reasons. The Frankish chronicles from the ninth century provide the earliest known reference to the political structure and the so-called kings of the Danes, also known as the Northmen. The latter date forms the termination because it is commonly accepted that at the end of the thirteenth century, at the latest, a fully-fledged medieval Danish kingdom was a reality.

In the Middle Ages, the creation of national identity amongst the elite was founded in the history of the birth and development of the national Danish kingdom. The history of the genesis and progress of the Danish monarchical realm has been no less important in the creation of a modern, democratic national identity from the early nineteenth century and up to today, when nationalism again flourishes, apparently as an ideological bulwark against European and global challenges. The birth of the Danish kingdom is a classic and controversial issue permeating Danish historiography, and throughout the ages it has divided historians. As shown in the opening historiographical chapter of this book, there are in general two lines of thought in Danish historiography on this issue. One group considers the eleventh century to be a historical fracture in respect of the creation of central, monarchical power. It is argued that radical social, political, and constitutional changes took place between 1060 and 1170, and that during this period and into the thirteenth century a fully-fledged European, medieval kingdom developed on Danish soil. In contrast to this view, the other line of thought pictures an epochal national, Danish kingdom in the second half of the tenth century. This division of opinion among historians regarding the nature of kingship between the tenth and the thirteenth centuries is partly due to a lack of conceptual clarification and systematic analysis. In particular the lack of a theoretical clarification of what is meant by kingship, especially medieval kingship, is a flaw in the research.

It is not the aim of the present study to pass verdict in this controversy, although expressing an opinion on the issue can hardly be avoided, when the ambition is to meet these theoretical shortcomings and evaluate the nature of kingship in Denmark during the Viking Age and the first centuries of the Middle Ages. The method to pursue this ambition is to deduct what institutions and prerogatives political thinkers and chroniclers in the Middle Ages believed characterized kingship, and on the basis of this deduction of the nature of royal institutions and prerogatives in their medieval sense, to set up a number of

criteria in order to evaluate the changeable status of kingship during the half millennium from c. 800 to 1300.

To this method it can, of course, be objected that the deduced criteria for assessment of the status of royal power are for most of the period anachronistic, partly because most of the criteria were developed in political thought in the thirteenth and early fourteenth centuries, partly because these medieval criteria of power are interpretations and selections made by historians in the twentieth and twenty-first centuries. Regarding the former, it is a function of the progressive perspective which is the approach to the study. The intention is to examine the changes or progress of the status of monarchy chronologically, from the ninth century up to the time when the majority of the theoretical criteria of the nature of monarchy came to be. The latter is an inevitable, inherent element in historical research. An important argument for using this method is, however, as we will return to later in this introduction, that the theoretical elements at the head of the method logically are reciprocally interweaved and form the synthesis of a definition of European medieval kingship. It is a theory or model of monarchical power derived from medieval literature in order to collect and structure the empirical material, to clarify changes in the nature of kingship in Denmark through five hundred years.

Regarding the methodological, moreover, it must be said that this study represents a piece of Danish history in the European context. As suggested by the title of the book, the development of the national Danish kingdom was not a unique phenomenon in European history. However, it is not the errand to identify similarities and differences between the development of other European medieval kingdoms. This is not a comparative study, but the European general development and in particular the European theoretical discussions are included to varying degrees in the chapters of the book. How much this methodological aspect plays a role in the chapters depends on how relevant it has been found to be for the subject each of the chapters deals with. The European and theoretical aspects are primarily based on secondary sources, while the investigation of the development of kingship in Denmark mainly rests on readings of the relatively few preserved primary sources.

"I am king, not a robber", responded King Valdemar I to the German emperor, Frederick Barbarossa, when he urged Valdemar to take provisions by force instead of purchase during King Valdemar's stay at the imperial court, Saxo Grammaticus tells in his *Gesta Danorum* from the beginning of the thirteenth century.¹ In this passage Saxo is in line with an old tradition in Western politi-

1 Saxo Grammaticus, *Gesta Danorum* 14.28.21, eds Karsten Friis-Jensen and Peter Zeeberg (Copenhagen, 2005).

cal philosophy. The defence of the inviolability of property rights and justice in general were fundamental elements in the concept of kingship from the early beginning of Western Christianity. Thus, nine hundred years earlier, St Augustine of Hippo wrote:

Remove justice, and what are kingdoms but gangs of criminals on a large scale? What are criminal gangs, but petty kingdoms? A gang is a group of men under the command of a leader, bound by a compact of association, in which the plunder is divided according to an agreed convention. If this villainy wins so many recruits from the ranks of the demoralized that it acquires territory, establishes a base, captures cities and subdues peoples, it then openly arrogates to itself the title of kingdom, which is conferred on it in the eyes of the world, not by the renouncing of aggression but by the attainment of impunity.²

Ecclesiastics, i.e. the literate and intellectual elite, held, of course, the view that the king's first and foremost duty was to protect the church from such villains, and they believed that in return the pope transmitted divine power emanating from God to the king. Ecclesiastical consecration of the king was seen as a guarantee of just and legitimate leadership, but it was a matter of dispute in the Early Middle Ages whether power was transmitted directly from God to the lay leader or was transferred via the pope. In the twelfth century, this dispute was neutralized by the idea of a dualistic separation of lay and religious powers. The people were held to be a political subject and a part of the legitimatization of kingship. Divine appointment and popular election were two of the fundamental elements of legitimate kingship, it is argued in the chapter on ideas of leadership. The third was royal descent. The king was chosen, or at least accepted by the people, out of a royal dynasty. Thus, royal birth was a fundamental prerequisite for being elevated to the high societal position of being a legitimate king. Consequently, the following chapter on genealogy studies this phenomenon in medieval Danish historiography.

According to the medieval, spiritual mindset, kings were subjects of a divine overlord with an earthly agent, the pope, but kings could just as well be subjects to mortal overlords. Concurrently with the process in which lay rulers discarded the pope as mediator of the transfer and justification of power to kings, they endeavoured to throw off the yoke put upon them by the worldly emperor and become independent kings. The latter process is studied in the

2 Augustine of Hippo, *The City of God* 4.4, trans. Henry Bettenson (Harmondsworth, 1972).

chapter on *marca*, *feudum*, and sovereignty. In the chapter, it is discussed how medieval lawyers before 1200 placed the origin of sovereignty with the Roman people and the divine Roman emperor, although they did not use the term but terms like *maiestas*, *summa imperium*, *auctoritas*, *summa potestas*. The rise of rich and powerful Italian cities like Florence and strong kingdoms like France and England challenged this political theory. Such strong powers could obviously not be reduced to mere Roman municipalities and provinces. Already the glossators of the twelfth century recognized this contradiction between theory and empirical knowledge, and they developed a wider conception of the concept *universitas*. Still, they did not come up with a solution because the *de facto* powerful and independent cities and kingdoms obviously were not in practice, and could not in theory be subject to the imperial *universitas* of the German-Roman Empire. The first political theorist to approach the problem seriously was the lawyer Azo of Bologna. He reached the position that a *universitas*, i.e. a *civitas*, can claim independence from the emperor.³ Like him his successor, Bartolus of Saxoferrato, in his legal and political theory attempted to assure Italian cities the rights originally considered exclusively imperial, but their arguments could equally apply to other powers, for example kingdoms.

Bartolus advocated popular sovereignty and a plurality of sovereign political entities. The independent rights of a *civitas* created by Bartolus have been summarized under four heads which can be interpreted as four criteria for sovereign power: 1. The right to be considered a *Respublica*, including the right to make decisions about war and peace, i.e. the right to defend the *civitas* or *regnum*; 2. The right to collect taxes; 3. The right to exercise *merum et mixtum imperium*; i.e. the right to exercise criminal and civil justice. 4. The right to legislate.⁴ Bartolus's contemporary colleague, Marsilius of Padua, also argued for popular sovereignty even though he accepted hierarchic sovereignty with autonomous sovereign cities and the emperor as the ultimate sovereign. In his work, *Defensor pacis*, from 1336, Marsilius defined a realm as a territory including a plurality of cities or provinces under one rule and the inhabitants of this territory willingly governed by a ruler.⁵

Bartolus of Saxoferrato and Marsilius of Padua lived at the end of the period covered by this book. They were members of the intellectual vanguard living in a time when the historical process of the creation of the independent European kingdoms and cities had reached an interim high point. Bartolus and

3 John W. Perrin, "Azo, Roman Law and Sovereign European States", *Studia Gratiana*, vol. 15 (Rome, 1972), pp. 89–101.

4 C.N.S. Woolf, *Bartolus of Saxoferrato* (London, 1913), pp. 115 ff.

5 Marsilius of Padua, *Defensor pacis* 1.2.1–2, ed. Richard Scholz (Hannover, 1932).

Marsilius stood at the end of the process studied in this book devising a theory of the structure of the final objective—the sovereign national kingdom. The deduced criteria of sovereign power can be regarded as theoretical criteria for the identification of any independent territorial European central power about 1300, be it a city state or a kingdom. Likewise, these criteria can be considered guiding principles for the development of stages that these political entities have undergone historically. All the criteria did not emerge simultaneously. The chronology of the development of the individual criteria and their relationship arose in different patterns in different parts of Europe, and these developments were not always linear. In this study, it is the development of the national Danish kingdom which is the object. Therefore, Bartolus and Marsilius's criteria of sovereign power, in combination with thoughts of leadership in Danish medieval historiography, are adapted as adequate theoretical guidelines for the methodological structuring of the chapters of this study of the nature of Danish kingship from the ninth century to around 1300.

Following the discussions of the ideological side of kingship in the chapters on thoughts of leadership and genealogy, and the investigation of the process of the successive emancipation of the land of the Danes in the chapter entitled *Marca*, *feudum*, and Sovereignty, the criteria of an independent power, deduced in the latter chapter and sketched above, are investigated. Firstly, the third and fourth of the theoretical dogmas listed, the right to legislate and the right of enforcing criminal and civil justice, are dealt with in the chapter on law and justice. Lawmaking was an evident royal prerogative for Danish chroniclers, a right they attributed even to mythological kings way back in their constructions of mythological royal genealogies. The question is, however, in what sense and to what extent lawmaking in the twelfth and thirteenth centuries was a royal prerogative in reality. Likewise, it is debatable to what extent the enforcement of criminal and civil justice was in the hands of the Crown. To clarify these questions the status of government will be drawn into discussion in order to put legislation and law enforcement into the perspective of the expanding central power which concurrently developed elements of a written constitution.

To finance the enforcement of law and order, and any other expenses of government, the second of the criteria listed above for sovereign power, the right to collect taxes, is an evident element in medieval kingship, examined in the chapter on tax. Medieval kings could, for obvious reasons, not only be dependent on incomes from plunder, robbery, or occasional tributes. They were kings, not robbers, as Saxo put it, and perhaps more importantly, a medieval ruler needed regular revenues, which were collected in return for accepting and protecting the property of the subjects. Therefore, the chapter on landownership deals

with mental and physical aspects of ownership of resources, which are preconditions for collection of rent and taxes. While rent is payment for use of others' property, tax is a ruler's duty on his subjects' property in return for the ruler's acceptance and protection of their property. Consequently, the emergence of leasehold tenure and the transition of family property to private property, the inviolability of property rights and the right to collect taxes are reciprocally connected markers of medieval kingship.

Closely related to the medieval theoretical doctrine of the ruler's right to make decisions about war and peace, is the chapter on the king's progressive control of internal and external war and peace. The chapter examines the structures of warfare from the time when kings were primarily warlords—who were either elected by lesser warlords and their warriors (*lid*), or attracted warriors of various ethnic origins through their charisma, skills, and success as leaders in war—until, at the end of the period, organization and command of a national military force formally seems to have become a royal prerogative. Consequently the chapter on war and peace is linked to the territorial aspect of the definition of the concept of realm studied in the last chapter of the book. The chapter is structured by the medieval meanings of the terms *regnum*, majesty, Crown, territory, and people, and offers an interpretation of the development of the Danish medieval realm by way of analysing the interrelated progress of a national mindset and monarchical control of a territory of heartlands and marginal parts of the realm.

This book has been made in close relation to my teaching at the University of Copenhagen. The themes of the chapters have been themes of courses held with countless numbers of active, interested, and inspiring students. I do not remember all the names, therefore none mentioned, none forgotten, when I thank all of them for all the critical comments, encouragements, creative ideas, and enthusiasm I have encountered over the years I have worked on the book. Two of my former students, cand.mag. Eva Holbækker and cand.mag. John Kolze, I would like to thank for devoted and responsive proofreading of the manuscript.

Historiography

The chronicler Saxo Grammaticus speaks of the Danish kingdom on equal footing with the Danish people, when telling about how King Valdemar I (1157–1182) in 1162 paid homage to the German emperor Frederick Barbarossa at the castle in Dôle at the River Saône. Likewise the narrator's ideal, a sovereign kingdom, is spoken of as synonymous with a free Danish people.¹ The king is the personification of the *patria*, and it has been held that in Saxo's view the political system had two components, the mother country and the king.² I would rather say that in Saxo's world the political system consisted of the three components, people, country, and king, which were one entity. Saxo was at any rate a strong believer in and spokesman for the unity of the kingdom though in his chronicle, *Gesta Danorum* from c. 1200, he gives numerous examples that local bonds were stronger than the national one he made propaganda for. Saxo, indeed, was an advocate of national unity and a fundamental motive for his work undoubtedly was to awaken national sentiment among the few possible aristocratic readers of his chronicle.

Six hundred years later in 1839, *Den danske historiske forening* (The Danish Historical Society) was founded with the explicit purpose of promoting national history. The founders of the society were inspired by the romantic theories of people, nation, and national character and they saw a political end in history as a creator of national identity in a more democratic sense than Saxo could ever have dreamt of. Three years earlier, in 1836, a private association, *Selskabet for Efterslægten*, on the occasion of its fiftieth anniversary offered a competition to write a history of Denmark with special reference to a theme corresponding beautifully with Saxo's medieval basic view on history, namely the development of the people and the state. This theme has been a central element in Danish historiography ever since.

1 "Filio uero post eum proxime regnatura liberum fore paternas condiciones abiicere, ne ad omnem Danorum gentem hereditarium manaret obsequium." Saxo 14.28.16.

2 Thomas Riis, "Saxo und die offizielle Königsideologie", in *Saxo and the Baltic Region*, ed. Tore Nyberg (Odense, 2004), pp. 97–98.

Kings and Clans

The young theologian Carl Ferdinand Allen (1811–1871) won the prize. He was only twenty-nine years old when his prize paper was published in 1840 under the title *Haandbog i Fædrelandets Historie* (A Handbook of National History). The work was republished in several editions until 1881, and became a textbook at the university in Copenhagen up to 1917.³ Allen is rather ambivalent about the development of a central Danish power. His ideal is the ancient democratic Danish peasant society of free individuals autonomously developing their own religion, language, culture, and even public administration without any foreign influence. Thus, the pagan Danish freemen at the thing elected the most competent and respected commander among them as their king, and the king could do nothing without the consent of the peasants. In the last centuries of paganism there were several kings controlling different parts of the realm, but eventually Denmark was brought together under a single ruler, the pagan king Gorm the Old, in the second part of tenth century, Allen claims.⁴

The most important historical change, according to Allen, was the introduction of Christianity. The incompatibility of Christianity with the mentality and lifestyle of the Danes made the Christian mission a prolonged process. It took about two hundred years and it was only made possible due to political pressure from the German emperors and because of widespread godlessness among the Danes. Thus, Gorm's son Harald Bluetooth (d. c. 986) was christened after the German emperor, Otto II, invaded his realm. Harald, and the Danish kings before and after him, were reluctant because they knew that Christianity threatened their freedom and independence. On the other hand, Allen regarded the onward march of the Christian church as an advance of civilization and process of technological development. King Cnut the Great (1018–1035) played a major role in this ambiguous process. He imported clergymen from England and, by keeping a regime of housecarls, sowed the seeds of the development of the nobility.⁵

However, in Allen's view the fundamental structures of central government were, as touched on before, established earlier. The pagan kings up to Gorm the Old were not only commanders in war. They had a sacral function, they were great landowners, and they were in control of the land no one owned, they were keepers of the law, and they had earls governing some districts of the realm.⁶

3 Kaj Hørby, "C.F. Allen", in *Dansk Biografisk Leksikon*, vol. 1 (Copenhagen, 1979), pp. 121–124.

4 C.F. Allen, *Haandbog i Fædrelandets Historie* (Copenhagen, 1881), pp. 16–36, 59 ff.

5 Ibid. pp. 51–54, 63–64, 76–77.

6 Ibid. pp. 34–38.

The most important constitutional change took place during the twelfth and thirteenth centuries, when the election of kings gradually developed to be a prerogative of the nobility and the bishops. King Cnut the Holy (c. 1080–1086) in particular limited the freedom of the people and their headmen and encouraged, as much as he could, the influence of the clergy. Consequently he was the first and only Danish king murdered in a popular rebellion. According to Allen, there was no alteration when Denmark came under its own archbishopric in 1103. Even though the Danish kings got rid of often defiant and authoritative alien prelates, they did not benefit from the replacement of the German archbishops in Hamburg with Danish archbishops in Lund. The latter interfered with the government even more than the Germans had been able to. The state now had two heads, an ecclesiastical and a lay one, with antagonistic interests, and this conflict was completed after the introduction of “unnatural” celibacy.⁷

Allen saw no structural change of central government from the ninth to the twelfth centuries. Elective kingship arose in the democratic society of free peasants and the functions of kingship and the kings’ prerogatives did not develop much over these three hundred years. In line with this conception he makes no distinction between what later has been called the Viking Age and the Middle Ages. What did change was, according to Allen, the electorate. The free peasants and their headmen were from the eleventh century gradually excluded from the franchise, to the advantage of the upcoming lay nobility and the clergy; the new electorate and political basis of kingship. Thus, in the twelfth century, on the one hand a dividing line between a conservative peasantry and their headmen versus the progressive lay nobility and the clergy can be drawn. On the other hand, Allen sees a clash of interest between the king and the church. These lines of demarcation as well as Allen’s static conception of kingship have been pronounced in Danish historiography over the following one and a half centuries.

However, an alternative image of the political dividing line was actually launched by Casper Paludan-Müller in the mid-1860s. It appeared in a comment on a publication by F. Hammerich. Paludan-Müller claimed that the most important political conflict in the twelfth century was the competition between two magnate families fighting in order to take the position second to the royal house. It was the island Zealand, represented by the descendants of Skjalm Hvide, against the peninsula Jutland, represented by Sven Trundsen’s descendants, Paludan-Müller held. The latter family had strong bonds to the canonized King Cnut the Holy, while the Hvide family was closely related to

7 Ibid. pp. 89, 92–95.

the sainted duke of Schleswig, Cnut Lavard, who was murdered in 1131. His son, the great King Valdemar I, was raised by members of the Hvide family, and Valdemar's foster-brother, Absalon, succeeded Eskil of the Trundsen family as archbishop in 1177 after delicate political entanglements. Consequently the Hvide family got the upper hand in the second half of the twelfth century.⁸ This conception of feuding families using the Crown and the church as media of power was, as we shall see, later taken up again in Danish historiography.

The word *Viking* was infrequently used in contemporary sources. The popularity of the word today is due to more modern historians. Allen was a national-liberal historian influenced by *Romantic Scandinavism*, a cultural and political movement in the nineteenth century.⁹ The political aim of this movement was to strengthen the relations between Denmark, Norway, and Sweden. The ideology of the movement was based on the romantic idea of the common origin of the Nordic peoples. Allen was a strong advocate of this idea although he held that the Danes were the main people, among other things because of the location of Denmark. The Nordic peoples were passionate and they were characterized by martial spirit more than any other people on earth. This particular characteristic inspired them with the call of foreign places seeking riches and fertile land even in southern parts of Europe.¹⁰ In that capacity Allen called the Nordic peoples Vikings, conforming to the meaning of the word *Viking* used for seaborne expeditions from western Norway and Denmark in the eleventh century.¹¹ However, Allen did not separate the period before and after the mid-tenth century between the Viking Age and the Middle Ages, as later became the norm in Danish historiography. One reason for this is perhaps that he did not see any structural or functional change in central government except a change of the electorate electing the king; the intruding clergy and the rising nobility dispossessing the free peasantry as voters.

8 C. Paludan-Müller, "To Bemærkninger i Anledning af Prof. F. Hammerichs nyeste Skrift: En Skolastiker og en Bibeltheolog fra Norden", *Ny Kirkehistoriske Samlinger*, vol. 3 (Copenhagen, 1864–1866), 430–433.

9 Hans Vammen, "Skandinavisme", in *Den Store Danske Encyklopædi*, vol. 17 (Copenhagen, 2000), p. 252.

10 Allen, *Haandbog*, pp. 8, 17–21.

11 Finn Hødnebo, "Viking", in *Kulturhistorisk leksikon for Nordisk Middelalder*, vol. 20 (Copenhagen, 1976), cols 20–24; Thorkild Ramskou, "Normannertiden 600–1060", in *Danmarks Historie*, vol. 2, eds John Danstrup and Hal Koch (Copenhagen, 1963), pp. 118–121.

The Birth of the Viking Age

The designation the *Viking Age* was introduced by historians later in the nineteenth century.¹² A pioneer was Johannes Steenstrup (1844–1935) with his monumental work *Normannerne*, published in four volumes from 1876 to 1882. This work does not give a continuous history of the Northmen, it is a series of studies.¹³ Steenstrup's continued account of the prehistoric and early medieval history of Denmark only appeared in 1904 when the first volume of *Danmarks Riges Historie* (A History of the Danish Realm) was published.¹⁴ Based on this work Steenstrup later published *Det Danske Folks Historie* (A History of the Danish People). The subtitle of the first volume from 1927 is *Det danske folk i Vikingetiden* (The Danish People in the Viking Age). The subtitle of the second volume is *Det Danske Folk 1042–1241* (The Danish People 1042–1241). Steenstrup operated with two phases of the Viking Age. He considered the eighth century the first phase of the Viking expeditions, and saw the Nordic raids against the coast of continental north-western Europe and the British Isles as the most distinctive historical feature of the century. The eighth century is called *The Early Viking Age* by Steenstrup. It was followed by a peaceful agricultural period from the beginning to the late tenth century when King Sven Forkbeard (c. 986–1014) began a second phase of the Viking Age with his raids against and eventual conquest of England.¹⁵

Steenstrup was convinced that Denmark in the Early Viking Age, i.e. the eighth century, was one large united realm and that a feeling of national unity prevailed among the Danes.¹⁶ Steenstrup concluded, however, that a breakup of this national unity must have taken place in the first decades of the tenth century, since in the second half of the century King Harald Bluetooth proclaimed that he had won all of Denmark and Norway on the famous runic stone at Jelling. Thus, the two phases of the Viking Age merged with the unity of the Danish kingdom. In contrast to these two great epochs of military aggression and a strong united kingdom, in the intervening period of national dissolution, from the beginning of the tenth century until Harald

12 C.F. Keary, *The Vikings in Western Christendom A.D. 789 to A.D. 888* (London, 1891); A. Bugge, *Vikingerne* (Christiania, 1904–1906).

13 Johannes Steenstrup, *Normannerne* (Copenhagen, 1876–1882).

14 Johannes Steenstrup, "Oldtiden og den ældre middelalder", *Danmarks Riges Historie*, vol. 1. (Copenhagen, 1904).

15 Johannes Steenstrup, "Det Danske Folk i Vikingetiden", *Det Danske Folks Historie*, vol. 1 (Copenhagen, 1927), pp. 357–358, 415–417.

16 Ibid. pp. 381–383.

Bluetooth reunited the realm, the Danes resorted to peaceful but not very lucrative occupations such as agriculture.

For the conservative nationalist Johannes Steenstrup, the Viking Age was a national scientific issue. He argued that Danish law influenced law in Normandy,¹⁷ and thought that the Franks respected the opportunistic Danes who profited from any local and economic opportunity. The Danes were born sailors, had superior ships, and the Franks admired their handsome figures and regarded them as their equals. Although he cannot deny that they ravaged and plundered, Steenstrup argues that they respected the Christians and brought with them moral values. In return, the Viking expeditions furnished the North with riches, foreign culture, and Christianity. The Vikings had developed what he called a *wandering body politic* governed by kings with earls at their side and Steenstrup, like Allen, detected no major changes in central government until the late twelfth century.¹⁸ Even then no capital existed and government was as a whole less centralized than ecclesiastical administration. In addition, government was intimately personally tied to the king. The most important constitutional change happened when King Valdemar I's seven-year-old son, Cnut, was crowned as co-regent in 1170. By this act Valdemar annulled the fatal constitutional and political weakness inherent in the custom that a new king could only be elected after the death of his predecessor, Steenstrup evaluated. This initiative, together with Archbishop Eskil's growing awareness that his mission was to bring about cooperation between the churchmen and lay government and that everybody ought to work according to the needs of the state, were the foundation of the strong government during the reigns of Valdemar I and his sons Cnut VI and Valdemar II.¹⁹

These reigns, the so-called *Valdemarstid* (the period of the Valdemars) from 1157 to 1241, has in historiography traditionally been seen as the great period of Danish medieval kingship.²⁰ The following period was marked by civil wars, succession troubles, and eventually the dissolution of the realm in the late 1320s until the German-influenced reunification of the realm under Valdemar Atterdag began in 1342. This, from a national and constitutional point of view, adverse century from 1241 to 1342 has been called the period of feudal dissolu-

17 Leo Tandrup, "Johannes Steenstrup", in *Dansk Biografisk Leksikon*, vol. 14 (Copenhagen, 1983), pp. 33–34.

18 Steenstrup, "Vikingetiden", pp. 364, 370–377.

19 Johannes Steenstrup, "Det Danske Folk 1042–1241", *Det Danske Folks Historie*, vol. 2 (Copenhagen, 1927), pp. 92, 96–97.

20 Kristian Erslev, *Valdemarernes Storhedstid: Studier og Omrids* (Copenhagen, 1898).

tion.²¹ Therefore, it is quite understandable that Steenstrup ended the second volume of his history of the Danish people with the death of the second Valdemar in 1241 at this turning point of national and constitutional history. The argument of beginning the second volume in 1042 is of quite another nature. The two volumes are divided by that date because for Steenstrup it marked the end of Danish rule in England and consequently the end of the Viking Age.

In contrast to the Wendish pirates, who ravaged the Danish coast with increasing violence until the great Valdemar I united the realm in 1157 and brought these raids to a halt, the Vikings were colonialist. It was a redeeming feature. Furthermore, the Viking attacks brought about agreement and unity among the peoples attacked. Steenstrup thought that the Vikings were exceedingly influential on European history and the development of the peoples. In addition, as mentioned earlier, they carried riches, foreign culture, and Christianity back to their homelands. Steenstrup finds that the Viking expeditions were very important for the gradual and prolonged spread of Christianity among the Danes, though he believed the Christian dogma of humility was not compatible with the Nordic mentality.²² It was not possible for Steenstrup to place the Wends' expeditions in a redeeming light. For the Wends ravaging was just a career. In contrast, the Vikings were forced to emigrate due to overpopulation in their native countries and became mediators of culture, know-how, and riches, Steenstrup assessed.

Regnum and Sacerdotium

Steenstrup's much younger rival, the social liberal historian Erik Arup (1876–1951), held a similar opinion on the course of the Viking expeditions and the migration, although already after his graduation Arup was on bad terms with Steenstrup—a lifelong conflict that only ended with the death of Steenstrup in 1935.²³ In Arup's *Danmarks Historie* (History of Denmark), the intention of which was to take the place of Allen's *Haandbog i Fædrelandets Historie* from 1840, he presented a Malthusian theory on the causes of the Viking expeditions and migration. Rural life in the ninth century had become hard and needy because the foundation of villages and the expansion of the arable land had

21 Aksel E. Christensen, *Kongemagt og Aristokrati. Epoker i middelalderlig dansk Statsopfattelse indtil Unionstiden* (Copenhagen, 1945).

22 Steenstrup, "Vikingetiden", pp. 375–377, 395–397; Steenstrup, "Det Danske Folk", pp. 58–59.

23 Aksel E. Christensen, "Erik Arup", in *Dansk. Biografisk Leksikon*, vol. 1 (Copenhagen, 1979), pp. 303–307.

come to a point where the production of food could no longer meet the needs of the growing population. Therefore young men rushed to the Viking armies to seek their fortunes abroad. Like Steenstrup, Arup held the opinion that for the Danish people the ninth and tenth centuries were a time of great emigration.²⁴ But unlike Steenstrup, who did not see any fundamental change in government from the Viking Age to the late twelfth century, Arup saw developments of kingship and the territory of the kingdom between the ninth-tenth centuries and the eleventh century.

Firstly, he argued that the Danish kingdom up to Harald Bluetooth's reign in the late tenth century comprised only Jutland or parts of this peninsula. Secondly, he thinks that Danish and other Germanic leaders and kings in the ninth century found it more lucrative and prestigious to be vassals of the Frankish emperors than just being local leaders. Thirdly, even after Harald Bluetooth proclaimed the unification of Denmark on the runic stone in Jelling, law and government on the isles and in Scania were not altered. However, Harald's proclamation marked the acceptance of Christianity. Harald's conversion to Christianity was a political action of far-reaching importance because the pope now could approach Harald directly, and no longer had to approach Harald via the German emperor, who considered himself to be Harald's feudal overlord. Harald's status as vassal was not unique. Arup points out that King Sven Grathe (1147–1157) took an oath of fealty to the German emperor in 1152. Fourthly and finally Arup gave a rather conservative estimate of how advanced central government was in the ninth and tenth centuries. He stressed that the only way of forming an idea of the nature of the kingdom of Jutland is by retrospective deduction from eleventh- to thirteenth-century sources. At the same time he thinks that the Jutland kings were great landowners levying taxes on the Frisians and the town of Hedeby, and that the division of the country into *sysler* and *herreder* was instituted by the kings. The development of kingship culminated in Harald Bluetooth's reign. His achievements were, however, not followed up by his successors Sven Forkbeard and Cnut the Great. They were engaged abroad, leaving the Danish people to live their own lives. Arup concluded that in reality there was no king in Denmark after Harald Bluetooth. Therefore, it is not the kings we can thank for the advancing unification of Danish society in the century from 960 to 1060. The unification of Denmark was mainly the achievement of the church, Arup thought.²⁵

24 Erik Arup, *Danmarks Historie*, vol. 1 (Copenhagen, 1925), p. 105.

25 Ibid. pp. 97–100, 105, 115–116, 123–124, 136–137, 141, 211.

The church knew how to control the Viking spirit of the kings by giving them new goals. Around 1100 the church transformed the uncivilized feuds of the European aristocracy into crusades and pilgrimage. Arup considered the *Divina dispensatione* and the subsequent expedition against the Wends in 1147 as a measure for national unity initiated by the church. Steenstrup, like Allen, detected no major changes in central government until the late twelfth century.²⁶ Opposed to the conservative Steenstrup's negative attitude towards the peaceful, weak, and hesitant image of King Nils (1104–1134) in the contemporary *Chronicle of Roskilde*,²⁷ the social liberal Arup turned Steenstrup's assessment of this image on its head and gave a positive judgement of King Nils. Arup considered King Nils's reign a turning point in the development of central government. It is a fully-fledged medieval kingdom we meet in Arup's account of King Nils's reign. Thus Arup did not, like Steenstrup, merely consider the end of the Viking Age as marked by a cessation of Viking expeditions. Indirectly, Arup also sees the transition from the Viking Age to the Middle Ages as a major development of central government. In this process the church was midwife.

This conception was in 1928 refined by Lauritz Weibull who saw the political landscape in the twelfth century divided between a conservative *regnum*, based on the headmen of the old society, against a progressive *sacerdotium*, the new ecclesiastical element.²⁸ Weibull's distinction of the blocks of power is slightly different from Allen's. We remember how he saw an antagonism between the conservative peasantry and their headsmen versus the progressive lay nobility and the clergy. The church historian, Hal Koch, was more in line with Erik Arup. In his contribution to the third volume of another general history of Denmark from 1963, he sees church and state as two sides of the same coin.

Underlying these institutions were the parties of political chieftains. In an article in the *Festschrift for Erik Arup* John Danstrup argued that the political struggle in the period between 1131 and 1182 was primarily a battle between great families and political parties over the Crown, the archdiocese, and dioceses. John Danstrup considered the Danish prince and German vassal, Cnut Lavard, as the so-called Hvide family's first chance to take the Crown. Their dream burst, however, when their candidate was murdered in 1131. In the time that followed the assassination of King Nils in 1134, the Zealand magnate Peder Bodilsen's family and Kristian Svensen of the Trundsen clan were the politically dominating forces behind the kings Eric Emune and Eric Lam. When the latter

26 Ibid. pp. 186–190.

27 Steenstrup, "Det Danske Folk", pp. 42–51.

28 Lauritz Weibull, "Nekrologierne från Lund, Roskildekröniken och Saxo", *Scandia* 1 (1928), 84–112.

abdicated in 1146 the Jutes elected Cnut Magnusen while Sven Eriksen, supported by the Germans, who saw Denmark as a province, and the Hvide family, was based in a politically divided Zealand, where the Bodilsen family was still powerful. With the third pretender, Valdemar's final victory in 1157 the Hvide family became the leading group in Danish politics.²⁹ Apparently unknowingly, Danstrup followed on from Paludan-Müller. There is no reference to Paludan-Müller in the article. Danstrup considered the royal and ecclesiastical offices institutional media for the powerful political groupings' exercise of power. Still his and Paludan-Müller's ways of perceiving the nature of kingship was not pursued in Danish historiography until more than half a century later. We will come back to this development and to Hal Koch. First we will examine Thorkild Ramskou's account of what he called the period of the Northmen, from 600 to 1060, covering the second volume of the national history of Denmark from 1963.

A Tenth-Century Central Power

Ramskou was not impressed by central government before the reign of Harald Bluetooth. In the ninth century anyone commanding an army could call himself king, Ramskou thought, and in the first half of the tenth century the country had no central government. It was divided between different rulers.³⁰ Ramskou was convinced by the inscriptions of the largest of the two runic stones at Jelling that Harald united the Danish realm, and he accepted Adam of Bremen's story about Harald's death as evidence of his affiliation with the town of Roskilde on Zealand. Likewise, he, like his predecessors, took for granted that Dannevirke was a fortification of the southern border of Denmark. He also saw the ring forts Trelleborg on Zealand, Nonnebakke on Funen, Fyrkat in eastern Jutland, and Aggersborg in northern Jutland as manifestations of Harald and his son Sven's power.³¹ The archaeological excavation of Trelleborg began in the 1930s, and during the following twenty years the other three ring forts were excavated. Ramskou interpreted these forts as garrisons for the service personnel of expedition forces which were maybe also used to control the homeland, and he thought that these round ramparts were unique Danish constructions.³²

29 John Danstrup, "Træk af den politiske kamp 1131–82", *Festskrift til Erik Arup*, eds Astrid Friis and Albert Olsen (Copenhagen, 1946), pp. 65–87.

30 Thorkild Ramskou, "Normannertiden 600–1060", *Danmarks Historie*, vol. 2, eds John Danstrup and Hal Koch (Copenhagen, 1963), pp. 219–223.

31 Ibid. pp. 234, 376.

32 Ibid. p. 388.



FIGURE 1 *The Viking Fortress Trelleborg*

PHOTO: THE NATIONAL MUSEUM OF DENMARK / SLAGELSE MUNICIPALITY

Ramskou considered Harald a great ruler conquering the entrance to the River Odder, where he founded *Jomsborg* (Wollin) but in spiritual matters he was subject to the Hamburg-Bremen archbishopric. His son, Sven Forkbeard, on the other hand was not prepared to recognize German influence. When the German emperor Otto II invaded Jutland and rebuilt Henry I's castle in Schleswig, the Danes under the leadership of Sven threw out the Germans. After this his father on the Jelling stone could declare that he had won all of Denmark, Ramskou thought. Nor did Sven accept the Hamburg-Bremen church. Instead he invited English clergy which caused the influence of the German churchmen to be broken in the late tenth century.³³

Using the Icelandic *Edda* poems as sources for the Northmen's society before 1060 Ramskou sociologically divided the population in three social classes—warriors, peasants, and slaves (*trælle*). In general the reader meets an image not far from the social and economic structures found in European medieval soci-

33 Ibid. pp. 239–241, 263.

eties. The Northmen's society is depicted as an agrarian community dominated by the aristocracy electing its kings from the royal house.³⁴

The Historical Turning Point

Nevertheless, in the following third volume of this history of Denmark Hal Hoch maintained that the societal and constitutional development between 1060 and 1170 was tremendous. During these 110 years the somewhat antiquated Danish society developed to be a "modern" European medieval state. A similarly important historical development did not occur again until the nineteenth century, Koch thought.

The Viking Age came to an end after William the Conqueror had improved the defence of England and the powers on the Continent likewise had learned to defend themselves against the Northmen's attacks. Viking expeditions were no longer worthwhile. The end of the Vikings' raids and colonization in western Europe is, however, only one thing separating the Viking Age from the Middle Ages. The development of central authorities during the first century of the second millennium is the other dividing line between the Viking Age and Middle Ages. Denmark was unified in the Northmen period but there were no central authorities. Koch thinks that in the Viking Age the country was judicially organized in village meetings (*bystævne*), districts (*herredsting*), and the provinces (*landsting*). The sacral kings were elected by the peasants, but it was not a democratic poll since some peasants were more influential than others. The kings' financial infrastructure was the royal demesnes and the provisions, the carriage, and the lodgings they were entitled to take from the peasants when travelling the country. Primarily the kings were commanders in war. The kings did not rule the country. In the late eleventh century, this peasant society did not meet modern requirements. The Danes had to adapt to the superior European culture—first of all Christianity. The change of religion was a change of culture, but also a change of political mentality. In the Middle Ages, church and lay government were two sides of the same coin.³⁵

This was something completely new for the Northmen, Koch thought, in spite of his opinion that pre-Christian kingship had a sacral side. What he meant seems, however, rather to be that the common man lost political influ-

34 Ibid. pp. 285–299.

35 Hal Koch, "Kongemagt og Kirke 1060–1241", *Danmarks Historie*, vol. 3, eds John Danstrup and Hal Koch (Copenhagen, 1963), pp. 11–16.

ence to the king and the church, and that both institutions levied taxes on the population. The new society prevailed only because anyone could see that it created progress. Still, the men of the old peasant society stood opposed to the king and the church, full of misgivings and mistrust. The relations between these two dominant institutions were harmonized with the canonization of King Valdemar I's father, Cnut Lavard (d. 1131), and the installation of his son, Cnut VI, as co-regent at Ringsted in 1170, Koch maintains. This harmony was the foundation for the political and cultural bloom which marked the epoch of the Valdemars until the death of Valdemar II in 1241. Kingship and the church prevailed and the peasants footed the bill. After all, this development opened new possibilities for the more influential and powerful peasant leaders. Koch joins in with Casper Paludan-Müller's one-hundred-year-old suggestion that the Crown and the church were media of power for the magnates. Vice versa these institutions were strengthened by their connections to the leading families. Thus, King Valdemar I's successful kingship to a large degree rested upon the support of the Hvide family, where Valdemar was raised. Valdemar's defeated and killed rival, Sven Grathe, had never been able to establish useful connections of that kind, Koch pointed out.³⁶

The prime historical movers were, however, not the interaction between laymen and clerics, strong and weak individuals, although the struggles and cooperation between the colourful gallery of characters made the second half of the twelfth and the first half of the thirteenth centuries a highly interesting period. The prime movers were rooted in the general circumstances of the European medieval society. "Denmark did not independently create her own history", Koch claimed.³⁷

It does not mean that the personal element in history should be underestimated. The Crown was taken over by a leader of considerable calibre when Sven Estridsen (1047–1076) ascended the throne. He expanded and consolidated the unity of the realm, and five of his sons were elected as kings after him. None of his sons were, however, successful kings to the same degree as Sven. Only his great-grandchild, Valdemar I, matched him as monarch, Koch evaluated. On the ecclesiastical side, leaders comparable to Sven and Valdemar only entered the scene in the twelfth century with the archbishops Asser, Eskil, and Absalon. The aims of Sven's church policy were to develop the church as part of the government of the realm and to secede from the Hamburg-Bremen archbishopric. The first endeavour ended, according to Koch, successfully during the reign

36 Ibid. pp. 18–20, 213.

37 Ibid. p. 21.

of Sven's last son, Nils, when the Crown and the church found a continuum. This conception is rather inconsistent with Koch's understanding that none of Sven Estridsen's sons matched their father as kings. Koch adopted Arup's positive assessment of Nils as sovereign. They both interpreted Saxo Grammaticus's information of King Nils's reduction of the number of his retainers as a transformation of the larger part of the housecarls into royal representatives in the districts of the country, collecting fines and taxes and recruiting for military campaigns. These local royal representatives Koch saw as part of the coming central government working side by side with central officials.³⁸

This internal development took place in a period with strong bonds to the great southern neighbour; the German-Roman Empire. During most of the twelfth century the Danish kings were the German emperor's vassals, but it did not circumscribe the national independence of the realm, Koch evaluates.³⁹ The struggle to gain royal control over the country, beginning with Sven Estridsen's attempt to transform the old Danish peasant society on European lines, was of course directly and indirectly influenced by the southern neighbour, but it was primarily an internal struggle between progressive and reactionary strata of society. The ambition was to build a kingdom by the grace of God not by the consent of the people. King Nils was elected by the military leaders of the *leding* not by the people, but Gregorian circles within the church restrained this development. When Valdemar I ascended to the throne in 1157, his policy was to compromise with the ecclesiastical reformists by supporting Archbishop Eskil, by donations to the Cistercians and Premonstratensians and by making his influence felt on his foster-brother Absalon's career when he was elected bishop of Roskilde. Still, this election was in line with the old Germanic conception of the relation between king and church rather than the Gregorian way of thinking.⁴⁰

Making the most of this policy and backed by the powerful Hvide family, Valdemar succeeded in having his father canonized and his son installed as co-regent in 1170. Now the Crown and the church in earnest had taken the lead while the formerly influential peasantry was only represented by the powerful lay magnates. Cnut VI's coronation as co-regent by the church introduced hereditary succession, and by this act kingship by the grace of God was a reality. According to Koch all Valdemar achieved, he achieved through the agency of the church. The church on the other hand gained political power and a

38 Ibid. pp. 20–21, 39–40, 110–116.

39 Ibid. p. 119.

40 Ibid. pp. 107–108, 212–214, 216–217.

central position in lay central government of the Danish realm. The Crown and the church were the winners; the big losers were the people losing political influence.⁴¹

During Sven Estridsen's reign the construction of the Danish medieval state began.⁴² Cnut VI's coronation as co-regent in 1170 was a milestone towards the fully developed medieval state in line with the contemporary European kingdoms, culminating in around 1200.⁴³ The church was all the way a decisive player in this process as mediator of know-how and ideology. It was the transmitter of European culture to the outdated Danish peasant society. But the church was only allowed this role because progressive kings and magnate families realized that the concentration of power into the hands of the few was the road to economic and cultural progress, the Social Democrat historian Koch concluded. The fact that the Danish kings throughout most of the twelfth century were vassals of the German emperor did not make much impact on the internal affairs in Denmark, Koch thought.

A Medieval Kingdom of the Viking Age

Inge Skovgaard-Petersen, writing on the Viking Age in the first part of volume 1 of the next general history of Denmark published in 1977, categorically denied that the Danish kings in the ninth and tenth centuries were the German emperor's vassals at all. Despite a Frankish campaign in Jutland in 815, she claimed that the Carolingians had no plans to expand the empire into Danish territories. On the other hand, it was Carolingian policy to draw the lands of the Danes into the Roman Catholic Church. The Danish leader Harald Klak's approach to the Emperor Louis in 826, applying for help in his strug-

41 Ibid. pp. 274–275, 282–292.

42 See also Hal Koch, *Danmarks Kirke i den begyndende Højmiddelalder* (Copenhagen, 1936), p. 44; Hal Koch in *Schultz' Danmarkshistorie*, vol. 1 (Copenhagen, 1941), p. 560, Hal Koch in *Den danske Kirkes Historie*, vol. 1, eds Hal Koch and Bjørn Kornerup (Copenhagen, 1950), pp. 107 ff. and Lauritz Weibull, *Nordisk Historia*, vol. 2, *Stat och kyrka i Danmark under äldra medeltid* (Stockholm, 1948), pp. 19 ff. Sven Estridsen as a transitional figure between the Viking Age and the Middle Ages can in Danish historiography be traced back to Hans Olrik, *Konge og Praestestand*, vol. 1 (Copenhagen, 1893), p. 203. The same view can be found in Erik Arup, *Danmarks Historie*, vol. 1. (Copenhagen, 1925). The title of the third part of the later work is *Øvrigheden* (public authorities). It begins with the reign of Sven Estridsen who supported by the church worked “to create real royal power in the land.” Op. cit. p. 170.

43 Ibid. p. 229.

gle with the sons of the former king, Godfred, paved the way for the Frankish mission in Denmark headed by the missionary Ansgar.⁴⁴ The Frankish mission was in the tenth century succeeded by the Germans having the mission in the North placed under the archbishopric of Hamburg-Bremen and the dynamic Archbishop Adaldag (937–988). An imperial charter from 948 appoints bishops in Denmark and two charters from 965 and 988 grant privileges to Danish bishoprics. Skovgaard-Petersen found that these charters tell us nothing about German supremacy over Denmark, but they reflect the progress of the German mission. In line with Arup's thought, Skovgaard-Petersen concludes that Harald Bluetooth responded to this progress of Christianity in his homeland by voluntarily converting to Christianity. As a Christian king, Harald had influence on the election of bishops in his country and in the long run the well-developed ecclesiastical organization could be used to build up an effective royal administration of the country, Skovgaard-Petersen thought in accordance with Hal Koch's ideas of the church's importance in the state-building process. The view that the pagan kings were leaders of the cult, accepted by several of her predecessors, she considered as mentally important for Harald realizing the pragmatic dimension of his conversion.⁴⁵

Skovgaard-Petersen also took the view that Harald Bluetooth's reign marked a turning point in history. Even though she admits that Harald's runic stone at Jelling maybe was erected after he died, she thought that it confirms that a dynasty was established ruling a united Denmark and that the struggle for power over the country was over. She accepted Adam of Bremen's account of Harald's burial at Roskilde as proof of the dynasty's control of Zealand, and she was certain that Harald elected Bishop Odinkar in Schleswig. It is concluded that continuity was secured already before the royal house of Jelling.⁴⁶ On the other hand for good reasons she cannot date the genesis of kingship more precisely than to the Viking Age.

The organization of the armed forces, as it is described in the provincial laws from the late twelfth to the mid-thirteenth century, probably originated from the Viking Age so far as military services, after the English model, were a social duty owed to the king. The division of parts of the realm into districts (*herreder*) and the arable land into mansi (*bol*) known from the late eleventh century, she takes for indications of the existence of kingship disposing the resources of the country, not only military but also fiscal. The power of the

44 Inge Skovgaard-Petersen, "Oltid af Vikingetid", *Danmarks historie*, vol. 1, eds Aksel E. Christensen et al. (Copenhagen, 1977), pp. 153–155.

45 Ibid. pp. 172–175, 207.

46 Ibid. pp. 164–166, 207.

Viking kings was apparently partly based on their own land and their ability to tax the land owned by others. The latter was particularly important, Skovgaard-Petersen found, because of the asserted great expansion of arable farming and the demographic growth in the Viking Age. The capital of the Viking Age was the expansion of arable land, she proclaims. Long-distance trade was yet another source of royal income. This trade could not thrive without the king's monopoly of violence, Skovgaard-Petersen thought. Sometimes this monopoly of violence was experienced as tyranny by the independent Danish peasants. Popular resistance or fear of it, at least, is, according to this 1970s' historian, indicated by the strong fortifications found at Trelleborg, Nonnebakke, Fyrkat, and Aggersborg. No doubt these four very uniform round ramparts were built on royal command, Skovgaard-Petersen maintained, although she was aware that the remains of comparable military installations had been found on the West Frisian Islands. Consequently, she suggests that they were probably constructed by foreign experts or by Danes quick to learn.⁴⁷

A royal house accepted by the Danish people existed before the Viking Age but an undisputed dynasty was only established in the mid-tenth century. At the threshold of the Middle Ages at latest, i.e. in the middle of the eleventh century, a unified Danish kingdom based on taxation of the land, fiscal incomes from long-distance trade, exercising control of the military forces, and a general monopoly of violence had come into existence. In other words, according to Skovgaard-Petersen, a fully-fledged national medieval kingdom was established before the Middle Ages. In general, this view of the centralization of power in Denmark corresponds with Steenstrup's view of the matter and forms a glaring contrast to Hal Koch's.

The Janus-Faced King

It is an essential point in Skovgaard-Petersen's conception of kingship in the tenth century that the Crown profited from the protection and taxation of long-distance trade. This point is taken up again by Aksel E. Christensen in the second part of the first volume of this general history of Denmark from 1977. Inspired by the former debate on the Pirenne thesis, Christensen considered the mid-eleventh century a turning point in the history of Denmark. He claims that in this century contact between the Nordic countries and Arabia and Byzantium via the Russian rivers languished, while new contacts between

47 Ibid. pp. 194–199, 207–209.

Europe and the Orient via the Mediterranean were established. By this Denmark was no longer the nexus between the east and the west in long-distance trade, Christensen concluded.⁴⁸

The mid-eleventh century can also be considered a turning point because Sven Estridsen, who ascended to the throne in 1047, according to Christensen was Janus-faced, being both a Viking warlord and a European king. His reign is seen as a mediating period between the former, aggressive Viking kings concentrating on expeditions abroad and the medieval kingdoms fixed by law of the peace-making kings, represented by Sven Estridsen's five sons ruling until 1134. It must be said that this division departs from Skovgaard-Petersen's image of the Viking kings in the first part of the volume, insofar as she thought that substantial elements of medieval kingship were established in the Viking period.⁴⁹

The periodization of the modern Denmark's history from 1977 conforms beautifully to the cutting up of history in its predecessor by Ramskou from 1963, writing on the period 600 to 1060, and Koch, writing on the years between 1060 and 1241. Skovgaard-Petersen's account covers the Viking Age and the time before and Christensen deals with the period 1042–1241. Thus, both works mark major historical breaks in the mid-eleventh and the mid-thirteenth centuries. The former break was the rupture between Viking and medieval kingship, while the latter marks the death of the second Valdemar and the end of the golden days of central government—the so-called days of glory of the Valdemars. Christensen finds the nature of King Cnut the Holy's kingship, proven by his charter to the church in Lund from 1085, continued by his brothers; in particular, the kingship of the peace-loving and peacekeeping King Nils, to whom Christensen shows the same positive attitude as we found in Arup and Koch's works. The kings commanded the military forces, acted as peacekeepers internally, and they had certain rights in the system of justice although they did not exercise judicial authority. Christensen also sees the number of government officers develop in the thirty-year-long reign of King Nils. There were, however, two menaces to the stability of his reign; the succession and the fact that after the end of the Investiture Controversy Nils could no longer take German support for granted in ecclesiastical matters.⁵⁰

48 Aksel E. Christensen, "Tiden 1042–1241", in *Danmarks Historie*, vol. 1, eds Aksel E. Christensen et al. (Copenhagen, 1977), p. 213.

49 Ibid. pp. 213, 220, 269. See also Aksel E. Christensen, "Mellem Vikingetid og Valdemarstid", *HT*, vol. 12.2 (Copenhagen, 1966–1967), 40 ff.

50 Ibid. pp. 272–275.

The latter was a problem for King Nils because Christensen thought, in opposition to Koch, that the king pleaded with the pope for the Danish Church. Christensen finds a *speculum regale* for King Nils in the English chronicler Ælnoth's legend of King Cnut the Holy claiming that kingship is instituted by God, implying that the king is the deputy of God.⁵¹ The succession was an even graver and more lasting problem since the strife between King Nils's son, Magnus, and the son of Nils's brother and predecessor on the throne, Eric, took a fatal turn with Magnus's killing of Cnut Lavard. This event was the starting signal of a fatiguing dynastic strife. Christensen concluded that it is impossible to determine the actual motives for the assassination of Cnut Lavard, but he agrees with Helge Paludan who thought that Cnut was an un-Danish prince assisted by Germans conspiring against the legal Danish kingdom.⁵²

During the civil war and the splitting of the realm into various kingdoms following King Nils's death in 1134, the awareness of a united Denmark was weakened and the danger of German interference with claims of continuous sovereignty over king and church was more threatening than ever, Christensen writes. Valdemar, who in 1157 successfully came out of the strife as absolute monarch, formed strong bonds with the clerics and by these endeavours he tried to consolidate himself as king by the grace of God. However, foreign affairs brought discord to his kingdom. The papal schism with the German emperor, Frederick Barbarossa, on the side of the anti-Gregorian Victor, dragged Valdemar into conflict with his archbishop, Eskil, who took the side of the Gregorian Alexander. The bond to the emperor was manifested when Valdemar in 1162 took the oath of fealty to Frederick, but Christensen denied that this oath had any practical meaning. All the same, Valdemar began what in Christensen's eyes was an odd interaction with the Saxon duke, Henry the Lion, in their expeditions against the Slavs.⁵³ The formal nature of Valdemar's subordination to the emperor also manifested itself in Valdemar's subsequent rapprochement to Pope Alexander and in his reconciliation with Archbishop Eskil. By these political manoeuvres Valdemar made himself independent of the German emperor. Instead he was now the church's devoted and loyal son. Valdemar took this stand considering that the pope and Eskil would support the canonization of his father, Cnut Lavard, Christensen thought.

At the same time the *leding* fleet (the naval forces) recognized his son Cnut as successor to the throne and later the magnates did the same thing. This des-

51 Ibid. p. 271.

52 Ibid. pp. 275–277.

53 Ibid. pp. 328–334.

ignation formally took effect at the church meeting in Ringsted 1170, annulling the people's right to elect the king from the dynasty. After this ceremony, and after a wide-ranging strengthening of the defence of the realm, Valdemar felt self-confident in his relations with the Germans. He did not let his son do homage to the German emperor.⁵⁴ Beneath the surface several magnates felt, however, indignant at the newly established absolutism and they united in a number of rather unsuccessful plots. Likewise, a popular rebellion commanded by magnates broke out in Scania. Christensen interpreted this opposition against Valdemar's success primarily as a conflict of Scanian and Jutlandish discontent with an authoritarian Zealand government.⁵⁵ But the resistance did not succeed, and the strong government of Valdemar I and his sons prevailed.

The Birth of Medieval Kingship

The conspicuous discrepancy between Skovgaard-Petersen and Aksel E. Christensen in respect to the dating of the breakthrough of medieval kingship in the united kingdom of Denmark has been observed above. A comparable, even more pronounced, discrepancy can be observed between the authors of volumes three and four of the latest comprehensive general history of Denmark from 1988 and 1989. Peter Sawyer, writing on the period 700 to 1050, describes the power configuration alternately as warlords based in their house-carls (*Hird*) and as medieval kings, by inference from sources younger, in some cases much younger, than the time he is dealing with. On the other hand, Ole Fenger, author of volume four covering the years 1050 to 1250, like his predecessors Hal Koch and Aksel E. Christensen, only sees the embryo of a medieval kingdom at the end of the eleventh century. Thus, Sawyer, like Skovgaard-Petersen, detects a medieval kingship in the Viking Age in the sources, only much more extreme than Skovgaard-Petersen's more moderate account.

Sawyer's basic view is that the Franks and later the Germans really wished to invade Denmark, but never succeeded. The Danes could not be subdued because they had ships to escape in when an enemy invaded. Some Danes willingly gave in only to obtain luxury while others' first priority was independence. Only one Danish king, Harald Klak, paid homage to the Frankish emperor even though other Danish warlords formed close relations with the great rulers to

54 Ibid. pp. 336–344.

55 Ibid. pp. 347–352.

the south.⁵⁶ Another reason for the Danes' invincibility seems to be that even in the ninth and tenth centuries they had rather advanced power structures. To comprehend these structures, however, we have to turn to sources from the twelfth century and beyond, Sawyer says, even though he admits that changes did take place from the ninth to the twelfth and thirteenth centuries.⁵⁷

Notwithstanding that there are no traces of it in contemporary sources, a fact that Sawyer was aware of, he thought that in the Viking Age a rich class of great landowners prevailed and in continuation he gave a description of a feudal power structure with local leaders recognizing the supremacy of the Danish kings. In the tenth century, central government developed further. Now the kings ruled the country directly by means of bailiffs. The establishment of this medieval central government was not influenced by the church. According to Sawyer, the kings had officials both before and after "Denmark converted to Christianity". The royal retinue was essential for the power of the kings and loyalty from the retinue was secured by plunder and collection of tribute. Still, the kings had prerogatives such as receiving hospitality and the command of the military forces (*leding*), not to forget taxation of the land. At the bottom of society, landless people had to make a living as farmers of land or as landless tenants—and there were of course slaves.⁵⁸

Besides, this medieval image of Denmark in the Viking Age covers the entire territory of medieval Denmark. Sawyer maintains that Harald Bluetooth re-established former Danish kings' command of eastern Denmark, substantiating this by the proclamation on the bigger of the two runic stones in Jelling and the dating of the fortification Trelleborg on Zealand.⁵⁹ Societal developments did take place between the ninth-tenth and the twelfth-thirteenth centuries, Sawyer finds, but his work rather blurs them by wrapping the Viking Age in a medieval image. The dividing line between these two historical epochs merely seems to be that Nordic expeditions and colonization in western Europe at the end of the eleventh century was brought to a halt.

In contrast, Ole Fenger in the following volume four of this version of the history of Denmark presented the development of the Danish medieval kingdom as a process with no hard-and-fast boundaries beginning in the late eleventh century and finding its ultimate form around 1200. Like Aksel E. Christensen he underlines that Denmark lost her central position as a mediator of trade when

56 Peter Sawyer, "Da Danmark blev Danmark", *Politiken og Gyldendals Danmarkshistorie*, vol. 3, ed. Olaf Olsen (Copenhagen, 1988), pp. 105–117.

57 Ibid. p. 168.

58 Ibid. pp. 169–173, 301–308.

59 Ibid. pp. 231–233.

the connection between the North and the Orient via Novgorod, the Dnepr, and Kiev was interrupted in the late eleventh century. With this Denmark found herself in the periphery, but it was mitigated by the civilizing efforts of the church. Fenger concludes that the Scandinavian realms, Denmark, Norway, and Sweden, are the results of the Christian church's organizing abilities. The see was a precondition for the medieval kingdom, he maintains.⁶⁰

Another important background for the development of central power was urbanization, Fenger thought. The development of the Viking Age towns gave rise to kingship due to the king's collection of dues and incomes from the mints. Thus, by the further development of the Viking Age towns from the middle of the eleventh century, Denmark was on its way to finding its place in European culture. However, as a political unity the realm was far from secure. To consolidate the realm economic progress was needed. Economic progress was a precondition for political as well as cultural developments in western Europe, i.e. Fenger finds economic development a third precondition for the development of medieval kingship.⁶¹

In the eyes of the church, enforcing peace among those not protected by family, village, or fraternity was the principal task of the king. The rules of peace made by the church and the European kings were the first steps towards legislation. Already in the Viking Age, external enemies were mutual reasons to submit to kings' authority for which reason a military organization came into existence, and from the mid-eleventh century kings commanded the military forces (*leding*). Earlier kings were only in command of their housecarls (*hirden*). Fenger concluded that earlier when control of the *leding* was secured it was a natural opportunity for effectively uniting and controlling the realm. However, the military forces were even in the middle of the eleventh century still locally divided between the Danish provinces. The Danish realm and the Danish kingdom were only in the making, Fenger underlines.⁶²

The making of a medieval Danish kingship depended, according to Fenger, on four factors; the church, the German emperor, the Saxon duke, and the Danish magnate families or rather the political parties of local leaders. The importance of the latter in respect to understanding the nature of medieval kingship has been stressed by Casper Paludan-Müller in the mid-1860s and by John Danstrup in 1946. In a more recent study of King Nils's reign by Lars Hermanson this tradition has been resumed. In line with Casper Paludan-Müller's

60 Ole Fenger, "Kirker rejses alle vegne", in *Gyldendal og Politikens Danmarkshistorie*, vol. 4, ed. Olaf Olsen (Copenhagen, 1989), pp. 30–32.

61 Ibid. pp. 35–37.

62 Ibid. pp. 37–45.

ideas more than a century ago and particularly John Danstrup's way of thinking, Hermanson argues that in the first three decades of the twelfth century at least five persons or networks of magnates had a regional domination, which cannot be reduced to reflect a delegation of parts of royal power, by fief or a royal beneficium. On the contrary, they rather saw the Crown as a medium of power.⁶³ Like some of these magnates the Danish kings were, in their own interest, the church's apt students. The royal donations to the churches and monasteries Fenger considers a kind of school fee. The independence of the Danish realm was conditional on the kings' oath of fealty to the German emperors.⁶⁴ Valdemar I in his reign gradually managed to establish strong mutual relations to all four sides but these positive relations were not achieved without political strife. His feudal overlord, the German emperor Frederick Barbarossa, secured the independence of Valdemar's realm and supported Valdemar's campaigns in the Baltic. And so did Valdemar's partnership with his fellow vassal, Henry the Lion, the duke of Saxony. But he came into conflict with Pope Alexander and Archbishop Eskil because of his loyalty to the German emperor. Internally a party of leaders, the so-called *Hvide family*, backed him up, and Valdemar helped his foster-brother and lifelong companion, Absalon of this family, to the diocese of Roskilde. After Valdemar's reconciliation with Eskil, and after turning to Pope Alexander, his foster-brother even became Eskil's successor as archbishop at Lund.

Valdemar's power was not absolute. He accepted his German overlord, he was deeply dependent on Absalon, and the party he belonged to were in reality Valdemar's joint rulers. This coalition of Danish magnates formally headed by Valdemar defeated all internal opposition and disappointed pretenders. After installing his minor son, Cnut, as joint ruler and the suppression of the rebellion in Scania, at the death of Valdemar in 1182 the frame laid out in the late eleventh century for establishing a medieval kingdom was now, a hundred years later, filled out, Fenger concludes.⁶⁵

63 Lars Hermanson, "Släkt, vänner och makt i det tidiga 1100-tallets Danmark", *HT* 98 (1998), 241–275; Lars Hermanson, *Släkt, vänner och makt: en studie av elitens politiska kultur i 1100-tallets Danmark* (Göteborg, 2000).

64 Fenger, "Kirker rejses alle vegne", pp. 132, 136–138, 142–143, 159–160.

65 *Ibid.* pp. 164, 168–170.

Conclusion

The history of the genesis of the national Danish kingdom has been an important element in the development and distribution of modern national identity from the early nineteenth century. It is a classic and controversial topic in historiography filled with contrasting views, dubious information, and gaps in research. The chronology of the establishment of a central government ruling the entire territory of medieval Denmark even divides historians contributing separate volumes to the same series of publications. This applies particularly to *Danmarks Historie* from 1963 and *Gyldendal og Politikens Danmarkshistorie* from 1988–1989. The same thing can be said about the historians' discussions of the date of the unification of the realm, and this is no wonder since there are several concepts of the realm in historiography. Opinions vary as to whether any major development took place in government from the Viking Age to the Middle Ages, the dating of a dividing line between Viking and medieval kingship, and whether Denmark was a sovereign realm at all before the late twelfth century. Opinions are also divided on the nature of the relations between the Crown, the church, and the magnates and how these relations impact on the development of central power, and thus concern the degree to which the development of the national Danish medieval kingdom was influenced by foreign affairs and should be seen as part of a common European development.

According to C.F. Allen, Denmark was brought under one ruler, Gorm the Old, in the tenth century. The main part of the historians referred to in this historiographical introduction agree that the unification of the realm took place in the tenth century. However, by accepting the promotion on the runic stone at Jelling attributed to Harald Bluetooth, Steenstrup, Ramskou, Skovgaard-Petersen, and Sawyer point at Gorm's son as the king bringing the Danish realm together in the second part of the tenth century. In contrast, Erik Arup thought it happened during the following century until 1066. Koch somewhat cryptically thinks that Denmark was united in the Northmen period, but there were no common authorities. Such authorities, according to Koch, only developed from the late eleventh to the late twelfth centuries. Fenger agrees on the latter argument and finds that the unity of the realm was not secured before the late twelfth century.

Fenger and Koch, backed up by Aksel E. Christensen and Lauritz Weibull, argued that the second part of the eleventh century is a line of demarcation. The societal and constitutional developments between 1060 and 1170 were tremendous. During these one hundred years a fully developed European kingdom developed in Denmark, Koch thought, while Fenger held that it was a more prolonged process stretching into the thirteenth century. In strong con-

trast, Sawyer provided an image of a medieval Danish kingdom in the Viking Age. Sawyer saw no distinction between the Viking and medieval kings. His account recalls Allen's static picture of kingship from Harald Bluetooth and onward which was followed up by Steenstrup, who saw no major changes in central government except the abolition of elected kings in the late twelfth century. Skovgaard-Petersen gave a rather static image of kingship too. She thought that in the mid-tenth century an undisputed royal dynasty was established, and that a century later at the latest a unified Danish medieval kingdom based on taxation of the land and a general monopoly of violence was a reality.

The concept of the Viking Age promoted by Steenstrup was defined by him merely as the period of Nordic raids against north-western Europe and the British Isles, from the late eighth to the middle of the eleventh centuries. This can be said about the rest of the historians, who saw no major changes in central government between the mid-ninth and the twelfth centuries. They saw the difference between the Viking Age and the Middle Ages in a change in character of the Northmen's raids from the late eleventh century. In addition, they had the idea that the Northmen's raids were special. The question is, however, whether they were special. The Nordic raids in the North Sea and Atlantic regions were actually not fundamentally different to the raids made by Slavic peoples except for one very important thing. The Northmen's raids got a lot of press because they were directed against literate, Christian parts of the world. The Northmen's raids in the Baltic and the Slavs' attacks on Danish soil are only accounted for after the dissemination of Christian institutions and literacy in Denmark during the twelfth century. To name a historical period after the Northmen's raids in specific parts of Europe does not make much sense.

This rather simplistic view on the difference between the so-called Viking Age and the Middle Ages even influenced Koch. He found that the Viking Age ended with William the Conqueror and the Norman invasion of England from 1066. It is, however, more important to note that he and later Fenger actually put substance into the distinction between the two historical periods. Koch and Fenger found distinct differences in the forms of Viking and medieval kingship and consequently they account for the developments of central government from the Viking Age to the Middle Ages. For the church historian Koch, the establishment of the Roman Catholic Church in Denmark was a precondition for this development. Fenger, on the other hand, pointed out that the church was just one precondition for the unfolding of medieval kingship; the powerful Danish magnate families, the German emperor, and the Saxon duke certainly play important parts in this development. In opposition to Sawyer, insisting that Harald Klak in the 820s was the only Danish imperial vassal ever, Koch

is aware that in most of the twelfth century the Danish kings were the German emperor's vassals and this submission was according to Fenger, as Aksel E. Christensen had maintained, not just a formality. The German emperor and the Saxon duke influenced the creation of a central power in Denmark.

Thus, two different schools can be detected in Danish historiography. One arguing that in the second half of the tenth century Denmark was a developed national kingdom. The other only sees the embryo of a medieval kingdom at the end of the eleventh century, which gradually became a fully developed European medieval kingdom around 1200. The runic stones at Jelling, promoting Harald Bluetooth's might and power are the original empirical basis of the theory represented by the first school mentioned. This theory has gained still more followers in step with the archaeological excavations of fortifications, roads, and bridges from the second half of the tenth century. In contrast to this school based primarily on archaeological finds, the other school emanates from Adam of Bremen's narrative from the late eleventh century based on King Sven Magnus's (Estridsen) information and Sven Aggesen (c. 1185) and Saxo Grammaticus's (c. 1190–1223) promotion of the great King Valdemar I and his sons Cnut VI and Valdemar II, supported by studies of the increasing number of documents in the period from the first surviving Danish charter, dated in 1085, onwards.

A Speculum Regale

In this chapter, the thoughts of political leadership will be examined by analysing the perceptions of leadership in Danish chronicles and charters from the earliest time to the thirteenth century. This method is perhaps unconventional in the history of ideas, but it is the only feasible method to be used. Political science and political thinkers proper did not exist in the Middle Ages, but in Italy, France, and England jurists and theologians in their theoretical works dealt with a number of political issues from which political theories can be constructed. No such medieval Danish legal and theologian theoretical tradition existed before 1300. On the other hand abundant reflections on political leadership are detectable in the Danish chronicles and charters. These reflections, more or less tossed together in various historical contexts, can be puzzled together to construct views on political leadership from around 1100 to the end of the period. There are few explicit and elaborate statements on political leadership in the Danish chronicles and none in the charters exploited in the following study.

The first sources written on Danish soil are from around 1100. At least some of the earliest are written by foreigners. Still, it might be expected that they reflect the attitude in the higher circles of the Danish communities. The later ones certainly do, not merely because the most important sources are written by Danes, more because the authors' affiliations to the most powerful social strata is pretty well known. In order to be able to put these thoughts on leadership in the Danish sources into a wider theoretical context, a sketch of the historical development of European theories of political leadership will be presented before turning to the Danish sources.

The European Context

The main controversy in political thought from the fifth century to the High Middle Ages was whether lay or ecclesiastical power was superior. In principle, the priesthood (*sacerdotium*) and kingship (*regnum*) was considered one and this unity constituted the body of Christianity. In political theory, the medieval kingship as an independent secular power did not emerge until the thirteenth

century.¹ In the theoretical discussion of the nature of political leadership no basic distinction between the sacerdotal and secular power was drawn up until the High Middle Ages. Neither was there any fundamental difference between the concept of the leadership of the pope and that of the emperor. One reason for this was that there were no political thinkers proper before the twelfth century. Another was that the theory of government was developed by churchmen and monks well versed in the scriptures in which monarchy is the ideal form of government. In addition, the only form of government they saw in practice was monarchy. Therefore, Christian thought on government emerged as monarchical. All the same, the relationship between secular and spiritual power was a controversial issue until a century after the so-called Investiture Controversy.

Christian writers accepted lay power in accordance with biblical dogmas. Christ allegedly said that his kingdom was in heaven and he accepted the secular rule of the emperor. Several other passages in the Bible support the idea that lay governing authorities shall be obeyed. Civil authority comes from God and therefore rebellion against lay authorities resists God's will, it was held.² The question was, however, which ways God's delegation of power followed. Did God endow the emperor with power directly, as could be argued on the basis of *Corpus iuris civilis* issued under Emperor Justinian (527–534), or was it transmitted from God to the emperor by God's representative on earth?

According to the Petrine Doctrine, put forward by Pope Leo I between 440–461 A.D., the pope was Jesus's agent in this world. The doctrine was based on an interpretation of two verses in the Bible and a false letter made in the late second century (*Epistola Clementis*) from Pope Clement I to St James, a relative of Jesus and the first bishop of Jerusalem.³ In Matthew 16:18–19, Jesus declares that he will build his church on his disciple Peter, and that he gave Peter the keys of the kingdom of heaven as well as the power to bind and loose on earth and in heaven. These powers St Peter allegedly handed over to Pope Clement according to the mentioned letter. Thus, the pope and each succeeding pope, according to tradition, became the unworthy direct heirs of St Peter. The thought of the primacy of the Apostolic See was substantiated by a decree issued by Emperor Valentinian III in 445 declaring the Roman bishop's sovereignty

1 Walter Ullmann, *A History of Political Thought: The Middle Ages* (Harmondsworth, 1965, repr. Harmondsworth, 1970), p. 17.

2 John 18:36; Matthew 22:21; 1 Peter 2:17; Romans 13:1–2.

3 Leo the Great, *Sermons of Leo the Great*, trans. C.L. Feltoe (New York, 1985), p. 117.

over the bishops of Gaul and all other provinces.⁴ However, Valentinian's decree did not put the pope in control of lay rulers. According to Pope Leo I it was the king's duty to protect the church, but Leo did not claim to be the lay ruler's superior. The notion of the superiority of spiritual rule over secular was introduced by another pope.

Already in the late fourth century, St Ambrose held that the emperor was not superior to the church, but within it.⁵ It was, however, Pope Gelasius I who brought matters to a head. In a letter to Emperor Anastasius from 494, he argued that of the two existing distinct powers the sacred authority of the priests was more weighty than the royal power, "since they have to render an account for even the kings of men in the divine judgement".⁶ The lay ruler's duty was to learn from the clergy, not to teach, Gelasius said. He recognized the supremacy granted to the emperor from heaven in matters affecting the public order, but he developed his ideas to a denial of the Roman emperor's spiritual side. Gelasius's arguments did not, however, affect practice in posterity Byzantium.⁷ In the Byzantine Empire, Christians accepted the emperor's supervision of ecclesiastical matters. Although he was a non-ordained layman with no sacramental power he was commonly called "priest and emperor". The emperors upheld this status primarily because he possessed jurisdictional powers in ecclesiastical matters, among others the right to invest patriarchs. The emperor had, however, no power in respect to the sacraments.

In the West, on the other hand, Gelasius's ideas became central from the Carolingian period long after the Byzantine emperor had lost power over the bishop of Rome (the pope). But even earlier Western kings apparently understood that secular power came from God. Already in the sixth century the Lombard king, Agilulf, used the title "king by the grace of God" (*rex dei gratia*), and the idea of divine kingship was older than this formula. This notion of kingship could be substantiated by interpretation of several scriptural passages from the Bible.⁸ But God was apparently not the only legitimation of kingship.

The *Annales Laurissenses* and Einhard's annals tell us that in 750 Pipin was named king of the Franks with the sanction of the pope, and in the city of Soissons he was anointed with holy oil by the hand of Boniface, archbishop and

4 James Harvey Robinson, *Readings in European History*, vol. 1 (Boston, 1904; repr. Ann Arbor, 1997), p. 72.

5 Ullmann, *A History of Political Thought*, p. 40.

6 Robinson, *Readings in European History*, pp. 72–73.

7 Joseph Canning, *A History of Medieval Political Thought 300–1450* (1996; repr. Abingdon 2005), pp. 35–36.

8 Ibid. pp. 17–19.

martyr of blessed memory, and he was raised to the throne after the custom of the Franks. In 753, Pope Stephen came to Pipin and asked him to protect the church against the Lombards. Pipin promised to do so and in return the pope anointed his two sons, Charles and Carloman.⁹ The Frankish custom according to Einhard's *The Life of Charlemagne* was to elect the king in a general assembly of the people. Consequently, the king did not rule alone, but in collaboration with those who were born to counsel him—the *populus*. Therefore, the king summoned his followers to take their counsel and the duty of the counsel was even to dethrone the king if he did not govern in accordance with the interest of the *res publica*.¹⁰ Fourteen years after Charles was elected king by the Franks together with his brother Carloman, and after the brother's death, Charles, on Pope Leo II's request, went to Rome to stop the many alleged injuries inflicted upon the pontiff. After Charles had ordered the affairs of the church, on Christmas day 800 he reluctantly received the title of emperor from the pope.¹¹

These two accounts of the crowning of the Frankish kings Pipin and Charlemagne present the main principles of the notion of Christian kingship in the Early Middle Ages: royal power was granted by divine grace and transmitted from God to the king by the pope in return for protection of the church by the king. The idea of kingship by divine grace was, as we have seen, ancient at the turn of the ninth century. In contrast, it was a relative novelty to see divine power transmitted from God to lay rulers symbolized in the anointing of the king by the churchmen, although anointing was known from the Bible. The anointing of kings appears for the first time in Visigothic sources from the late seventh century, but it only spread in western Europe in the Carolingian period. The first reference to the consecration of a king in England is by the *Anglo-Saxon Chronicle* dated to 787, when Ecgfrith was consecrated king in his father Offa's lifetime.¹² The prominent role of the church in the crowning rituals was promoted by a forgery, the so-called *Donation of Constantine*, allegedly handing all imperial symbols over from Emperor Constantine to Pope Sylvester and by

9 *Annales Laurissenses*, ed. Georg Heinrich Pertz (Hannover 1826; repr. Stuttgart 1976), p. 138; *Einhardi annales*, ed. Georg Heinrich Pertz (Hannover 1826; repr. Stuttgart 1976), p. 139.

10 Hans-Werner Goetz, "The Perception of 'Power' and 'State' in the Early Middle Ages: The Case of the Astronomer's 'Life of Louis the Pious'", in *Representations of Power in Medieval Germany 800–1500*, eds Björn Weiler and Simon MacLean (Turnhout, 2006), pp. 29–31.

11 Einhard, *Einhardi vita Karoli Magni* 3 and 28, ed. Oswald Holder-Egger (Hannover, 1911; repr. 1965), pp. 5–6, 32.

12 *The Anglo-Saxon Chronicle*, ed. Dorothy Whitelock (New Brunswick, 1961), p. 35.

this the pope's right of coronation.¹³ As we have seen already, Pope Leo I found that the king's most important duty was to protect the church, i.e. Christendom. Leo founded this notion on the Pauline view that it was the king's predominant obligation to assist the unfolding of the divine project on earth. The king's function as protector of Christendom had ancient roots when, in *The Annals of Lorsch* in the late eighth century, it was reciprocally coupled with priestly transmission of divine power to the king.

However, *The Annals of Lorsch* and Einhard's *The Life of Charlemagne* also expose a presumably important non-Christian element of king-making in practice; popular election of the king. The first such reference in *The Anglo-Saxon Chronicle* is 924, when Athelstan was chosen as king by the Mercians.¹⁴ It is actually rather unique. All previous coronations are accounted for as merely successions or consecrations, often by relatives most often by sons, and so are the following accessions of new kings in *The Anglo-Saxon Chronicle*. Popular election of kings was irreconcilable with Christian dogmas according to which all power came from God. The idea of a divine deed, a *beneficium* of power from God, flowed from the Petrine doctrine that Christians, including kings, were only what they were by the grace of God. Consequently, the people as electors of kings rarely appear in spiritual sources from the Early Middle Ages. For very good reasons the democratic image depicted by Tacitus in his *Germania* of the Germanic people from about 200 A.D. is completely absent until the twelfth century when some aspects of it appear in the theoretical literature and, as we shall see, in Danish sources where the people as kingmaker is a conspicuous feature.

Tacitus held that the German peoples chose their kings by the splendour of their race, their war leaders for merits, and that the kings' power was neither unbounded nor arbitrary. Small societal affairs were determined by the chiefs (kings) while more important issues were discussed by the whole nation in general assemblies. At these meetings arguments count more than the mere authority to command and the king or chief is heard, as are others, each according to his precedence in age, or in nobility, or in warlike renown. These assemblies, according to Tacitus, were also legal courts and part of the fines imposed by the court accrued to the king or the community.¹⁵ His account is probably a gloss meant as a criticism of Roman civilization. Nevertheless,

13 *Die Constantinische Schenkungsurkunde*, eds Heinrich Brunner and Karl Zeumer (Berlin, 1888); *Selected Historical Documents of the Middle Ages*, trans. F. Henderson (London, 1910), pp. 319–329.

14 *The Anglo-Saxon Chronicle*, p. 68.

15 Tacitus, *Germania*, ed. Henrich Schweizer-Sidler (Halle, 1923), pp. 19 ff.

it can be stated that any possible, positive existence of elective kingship was effectively suppressed by Christian writers. The clerical consensus was that the people needed to be governed.

This thought was a prime concern in St Augustine's (354–430) writings. After the Fall of Man, earthly kingship became a necessary evil. The earthly kingdom was inconsistent with man's original liberty and contrasted with life in heaven, where kings and subjects no longer exist. In line with this idea, St Augustine did think highly of temporal leadership. Earthly kingdoms are given by God both to good and bad in the order of things and times, which is hidden from us. They are ordained by the judgement and power of God. To some men servitude is useful and, indeed, to serve God is useful to all because justice can only be found in submission of God. Nothing is that hurtful to a kingdom, or a people, as injustice, St Augustine claimed. Therefore, the principal task of the king was to secure justice, but not all kings are just. Only the kings sticking to God may be just kings, St Augustine found.¹⁶ Ecclesiastical consecration of the king was a guarantee of just leadership, but the church could of course not endorse any pretender. The leader's genealogical background was extremely important. In this respect the biblical example was followed by the early medieval chronicles. It is a conspicuous theme in *The Anglo-Saxon Chronicle*. This is also the case in the Frankish annals. They provide an unbroken genealogical line of Frankish kings and emperors from when Pipin came to the throne in 751 to the death of Louis v and the accession of Hugo Capet. It is considered the finest among the people that the king descended from the noblest lineage, wrote the monk from the St Bertinus monastery at St Omer between 1040 and 1042 in his account on King Cnut and his queen Emma.¹⁷

In the Christian theory of leadership, the pope transmitted divine power from God to the emperor and following the biblical ideal he was crowned and anointed. Christianity had an important symbolic significance in the exercise of lay power, but the precedence of the church was primarily ideological. In the Carolingian Empire and later in the German-Roman Empire, churchmen were endowed with land and lay administrative obligations. An interface between ecclesiastical and lay exercise of power—*militia christia* and *militia saeculi*—developed; in practice the subordination of the church. The emperors even installed bishops. From the controversy concerning the right of *investiture* of bishops arose a bitter strife between Pope Gregory VII and the Emperor

16 Augustine, *City of God* 2.21, 4.33, 19.21, trans. Henry Bettenson (Harmondsworth, 1972).

17 *Emmæ Reginae Richardi I Ducis Normannorum filiae encomium incerto sed coetaneo* 1.1, ed. Jacobus Langebek (Copenhagen, 1773; repr. Nendeln, 1969), vol. 2, p. 474.

Henry IV in 1075 which formally ended with the Concordat of Worms in 1122, in which the emperor remitted to God and to the Holy Catholic Church all investiture.¹⁸ It developed into a conflict, not merely between the secular and ecclesiastical power, but also a political conflict within the church and between the emperor and German princes.¹⁹ The context of this acceleration of the dispute of secular versus spiritual power was the so-called reform movement, which included attempts to centralize and strengthen the papacy as the sole ruler of Western Christendom.

The Investiture Controversy marks a turning point in the development of the concept of political leadership in western Europe. During the controversy, the emperor's advocates followed two strategies defending the lay sovereign against the papist's claims of spiritual autonomy and superiority. Either they simply claimed that imperial power was derived from God and consequently that the emperor was entitled to control the bishoprics and monasteries, or, alternatively, they argued that temporal and spiritual powers were divided—the word and the sword. Sometimes a combination of the two strategies was followed, because at that time the thought of temporal power independent of religious power was rather radical—all the same, this way of thinking prevailed. The ecclesiastical side gave impetus to this differentiation between lay and spiritual power too. Pope Gregory VII (1073–1085) denied sacerdotal kingship and fought for the liberty of the church and the idea of a papal monarchy. Gregory considered kings laymen operating outside the church in contrast to the early medieval concept seeing temporal and spiritual power united within the church, making up Christianity. The future challenge was now to define the boundary of religious and lay power.²⁰

The delicate nature of this notion, the distinction between the two powers in the world, finds expression in the twelfth century in perhaps the most important treatise dealing with political leadership from that century, *Policraticus*. The treatise is written by the English-born, Paris educated ecclesiastical bureaucrat and ultimately bishop of Chartres, John of Salisbury (1120–1180). John drew an organic mirror image of society. The king is the head, the clergy is the soul, and the king's council is the heart. The relationship of these parts of the body (*res publica*) was subtly interlaced with law by John. The king received

18 Henderson, *Selected Historical Documents of the Middle Ages*, pp. 408–409.

19 Christopher Brooke, *Europe in the Central Middle Ages 962–1154* (London, 1964); C.W. Previté-Orton, *The Shorter Cambridge Medieval History*, vol. 1 (Cambridge, 1977); I.S. Robinson, *The Papacy 1973–1198, Continuity and Innovation* (Cambridge, 1990).

20 Caning, pp. 85–107; Nils Hybel, *Danmark i Europa 750–1300* (Copenhagen, 2003), pp. 63–64.

his sword “of bodily coercion” from the church, “retaining to herself authority over spiritual things in the person of the pontiffs”. In other words, John saw the king as “a minister of priestly power”. This dogma did not, however, prevent John from claiming that the king had “supervision” over “both those who have care over spiritual things and those who exercise temporal jurisdiction”.²¹ The king had the power of all to seek and bring about the advantage of each individual. The good king “obeys the law and rules the people by its dictates, accounting himself as but their servant ... in the management of the affairs of the commonwealth and in bearing of its burden; and his elevation over others consists in this”. The king’s wishes are the people’s wishes and therefore the law is dictated by the people.²² On the other hand, John considered the law as a gift from God binding society together. The law is the rational interpretation of the state of things, making the king lawmaker in search of the common good before his own private will. The king “is the minister of the common interest and the bond-servant of equity”.²³ The king is subject to the law, the common law, and God’s law, because by obeying the law the king makes a good example; “then the people will be more observant of that which is just”. The king owes his existence to the *universitas* (the community) and therefore he owes himself to God. John of Salisbury fully accepted that kings were elected, but he refused to say anything concerning the form which is prescribed for the creation of a king.²⁴

Born in the English kingdom and educated and practising in the French, he expresses a new political fault line in political theory. Until the twelfth century, the theoretical cleavage of supremacy was a dispute about whether power was transmitted directly from God to the emperor or, rather, the pope acting as God’s agent passed on divine power to the emperor. In the twelfth century, this theoretical strife was neutralized by the idea of the dualistic separation of lay and religious powers. In John of Salisbury’s work the people, the lay community, appeared as political subject and as part of the legitimization of kingship; the other part being God together with the people forming the entity of the commonwealth. In the theoretical literature, new political conflicts were born between the king and the people as well as within the people. John writes that those who have the greatest advantage from royal government are the weak while royal power is mostly exercised against the wrongdoers. The king is

21 John of Salisbury, *Policraticus* 4.3, *The Statesman’s Book of John of Salisbury*, trans. by John Dickinson (New York, 1927).

22 Ibid. 1.

23 Ibid. 2.

24 Ibid. 3, 4.

the ultimate officer of justice. He punishes without personal hate in accordance with the passionless law. He is a good example and a disciplined paragon of virtue.²⁵

The appearance of the people in political thought was rooted in two things. Firstly, theorists from the twelfth century lived in the settings of the rising western European kingdoms in England and France and the upcoming prosperous Italian city states. Secondly, the translation of Aristotle into Latin made this Greek philosopher accessible to Western thinkers. A prominent figure was Thomas Aquinas (1225–1274). Developing the Aristotelian concept of *natural law*, Thomas clarified John of Salisbury's thoughts about the relationship between the king and the law. In his treatise *De regime principum*, the king's power is defined by the political community and natural law. According to Thomas, the law is given for the common good of the citizens, but if there is no written law natural law rules, i.e. man's understanding of what is good and bad. For Thomas, natural law is intelligent creatures' part in the eternal law, God's law.²⁶ The king is, however, not subject to the law because he holds executive power and no one can coerce him, Thomas says, but he ought to follow the guidelines of the law.²⁷ The king can set aside the common law of society if required by the common good, he is, as Henry de Bracton (d. 1268) expressed it, *solutes legibus*.

Thomas Aquinas noted that his predecessors said nothing about the appointment of kings and argued, based on the Bible, that God did not leave the election of kings to the people. God chose Moses and his successors. All the same, Thomas thinks that all should have some share in government. Monarchy is the best form of government if a suitable person rules and provided that under the king are others who are particularly qualified and elected from all by all. *Commixta ex regno* (mixed government) is the best form of constitution. It was established by divine law when God chose Moses and made provisions for the election of kings and prescribed for the kings how they should live and govern. Concerning the first issue the people shall wait for God's judgement and elect one of their own people. The latter prescribes that the king must not be too wealthy and have too many wives, he shall of course be God-fearing and no oppressor of the people.²⁸

25 Ibid. 2, 4.

26 Thomas Aquinas, *Summa theologiae* Ia2æ, 90, 2., ed. David Bourke and Arthur Littledale (London, 1969), pp. 8, 22.

27 Ibid. Ia2æ. 96, 6, pp. 134–136.

28 Ibid. Ia2æ, 105 1, pp. 266–272.

In opposition to Augustine, Thomas saw government as a consequence of the social nature of man, making the purpose of government the direction of society towards its common good. This standpoint at least appears from the first book of his pupil and companion Ptolemeus of Lucca's *De regimine principum*.²⁹ The first book of this work is often attributed to Thomas Aquinas because mixed government is spoken for in that part, while the following books two to four argue strongly for political government for free people, i.e. a republican standpoint. Born in the republican city Lucca in Tuscany, Ptolemeus projected home-town ideals to his ideas of government. The north and mid-Italian cities were a republican alternative in a medieval Europe dominated by monarchical government.³⁰ As a black friar, Ptolemeus seems compelled to briefly mention the universal authority of the pope in both temporal and spiritual matters, but hereafter he ignores it.³¹ Ptolemeus's main concern was to discuss his two forms of temporal government, political and regal government. As mentioned before, he finds political government adequate for free peoples but he acknowledges that peoples, without the necessary virtues for living in republics, need royal government, i.e. monarchy. Opposed to the democratic principles of political rule, Ptolemeus depicts monarchy as a gloomy tyranny under a harsh sovereign possessing hereditary absolute power.³²

Quite the opposite standpoint is argued for in John of Paris's (c. 1255–1306) *De postetate regi et papali* from about 1302, and by Dante (1265–1321) in *Monarchia*. They are both strong advocates of monarchy. John, who possibly was Thomas Aquinas's student, thinks that "this power derives from the natural law, the laws of nations". Royal rule over a community he defines as perfect rule by one person ordered around the common good, because when all seek their own happiness the community is divided but the king secures the common good. "Rule over a community by a single person preeminent in virtue is more useful than rule either by many or by several persons who are virtuous". Such a preeminent virtuous person has a better eye for what is more common than several persons, John thinks.³³ Dante argues for the same in a slightly different way. He finds that the purpose of one is related to the purpose of the whole, and

29 Ptolemeus of Lucca, *De regimine principum* 1.1, 2–6, trans. James M. Blythe (Philadelphia, 1997).

30 Mario Ascheri, "Beyond the Commune; The Italian City-State and Its Inheritance", in *The Medieval World*, eds Peter Linehan and Janet L. Nelson (London, 2001), pp. 463–466.

31 Ibid. 3.2.

32 Ibid. 2.8, 4.1, 4.7.

33 John of Paris, *De postetate regi et papali*, trans. Arthur P. Monahan (New York, 1974), pp. 7–9.

that the aim is of the organization, not the parts of it. "And thus all the parts we have enumerated which are lower than kingdoms, and those kingdoms themselves, must be ordered to one ruler or one rule, that is to a monarch or monarchy".³⁴ Both John of Paris and Dante put forward historical arguments for monarchy. Before political authority was established, men lived unnaturally without rules in the manner of beasts, John proves, by referring to Orosius, Tullius, and Aristotle.³⁵ Dante claims that "we shall not find that the world was everywhere at peace except when there was a perfect monarchy under the godlike Augustus".³⁶ That is so because man is a social animal who cannot live alone, but mankind is "a many-headed beast" if not subordinated to one ruler giving rise to unity and happiness.³⁷ Like in the heterogeneous human body the soul keeps all the elements together, in a community of men the king keeps all the individual interests together.³⁸

At the turn of the thirteenth century the final blow to the early medieval thought of the unity of temporal and religious power was set in. This development in political thought is reflected in John of Paris's and Dante's works. Referring to St Paul, John finds it absurd to claim that the king had secular power directed from the pope, since the king in that case is the minister of the pope while St Paul says that the king is a minister of God. In addition, he argues that kingdoms existed before papal power and that even before the Christians came there were kingdoms in France, and he finds it illogical that the secular sword is directed from God to the pope when he is not capable of using it.³⁹ For Dante lay power is contrary to the nature of the church because its nature is the life of Christ and he denied the exercise of earthly power. Consequently, papal power over the lay ruler is an absurdity.⁴⁰ The pope leads man to eternal life with the aid of revealed theological doctrines, while the king leads towards earthly happiness by means of philosophical reasoning. The king is only subordinate to the pope insofar as earthly happiness is directed to eternal happiness. Therefore, the king should be elected by one who understands the eternal disposition of this world inherited in heaven. That one is God, from whom lay power directly descends.⁴¹

34 Dante, *Monarchy* 1.6.1–4, trans. Prue Shaw (Cambridge, 1996), pp. 11–12.

35 John of Paris, *De potestate regi et papali*, pp. 9, 43.

36 Dante 1.16.1.

37 Ibid. 1.16.4; John of Paris, p. 8.

38 John of Paris, p. 9.

39 Ibid. pp. 42–45.

40 Dante 3.14.1–10.

41 Ibid. 3.15.7–17.

Marsilius of Padua (c. 1275–1342), another Italian scholar, could hardly have endorsed this dogma without reservation. In his treatise from 1324, *Defensor pacis*, he acknowledges that the instituting of monarchy was made by divine will through a human medium based on simple faith without reason. Marsilius's concern was, however, the instalment of kings from human minds, even though he must of course credit God as the remote cause in the final analysis. Directed by his empirical method, Marsilius finds that the genesis of monarchy is inborn human nature following from the basic economic structure of the household, and he lines up Aristotle's five ways of creating kings. The crucial question for Marsilius was whether a king ruled over willing or unwilling subjects, because just as health is the ideal condition for an animal, tranquillity is the optimal condition for a society. Peace can be achieved by the consent of the subjects, even if the monarch is not elected. Thus, there are similarities between elected and non-elected monarchs as both govern willing subjects with laws aiming at the common good. Still, elected kings are best because they rule over more willing with more political laws, i.e. democratic laws, securing peace in the community and a monarch capable of taking decisive action.⁴²

Marsilius was deeply involved in the politics of his time, first on the imperial side seeking Louis of Bavaria's German court. Later he approached the French king, Louis IV, who loaded him with favours. As the French king's protégé, it is no wonder that in the *Defensor pacis* he took up the question of what a realm is. He actually defines the term in two ways. The first understanding of the term *realm* Marsilius presents implies "a plurality of cities or provinces under one rule", i.e. he gives a territorial definition of the term. The second understanding of the term he puts forward is the Aristotelian political meaning of it, i.e. temperate royal rule of willing subjects. Thus, he argues that a realm is constituted by a territory and the inhabitants of this territory willingly governed by a king.⁴³

As pointed out before, perhaps the most striking change in the theories of political leadership from the Early to the High Middle Ages was the thought of the separation of ecclesiastical and lay power culminating around 1300. Equally important is that the people was incorporated as a political subject during the High Middle Ages. We saw that election of kings or at least public acceptance of the king seems to have been practised in the Carolingian Empire and Anglo-Saxon England, even though the people were not an issue at all in early political thought. The people as a political factor only emerged in reflections on political

42 Marsilius of Padua, *Defensor pacis* 1.2.3, 1.9.1–11.

43 Ibid. 1.2.1–2.

leadership in the twelfth century and gained importance up to the early fourteenth, even though some thinkers put forward the reservation that lay power descends directly from God; the only one who understands the eternal destination of this world. In the following we shall see how this development of theories of political leadership applies to the thoughts on this issue in Danish sources, from about 1100 to the thirteenth century.

Rex Gratia Dei

The earliest use of the phrase *king by the grace of God* in charters related to Danish history is King Cnut's charter from 1035 claiming that he was king by the grace of God of the entire realm of England and the Danes.⁴⁴ The charter is handed down in a later copy of the original document kept in the British Museum. The authenticity of the charter is disputed, and it is the only one of Cnut's charters claiming control over the Danes using the phrase. In two other charters Cnut maintains that he was in command of not only Denmark, but also Norway and parts of the Swedes.⁴⁵ In these two charters the phrase in question is not used. None of the still extant originals of Cnut's charters in fact use the phrase *king by the grace of God* but it can be found in several later copies of his charters. Still, the idea of divine Christian kingship was no doubt prevalent in higher English social circles during Cnut's reign. At that point in time, the Christian church had been established in England for centuries. As we have seen above, the first reference to the consecration of a king in England is dated to 786 by the *Anglo-Saxon Chronicle*. Therefore, it is not surprising that in two of the original charters handed down from Cnut's reign the idea that his monarchic power descended from God is actually reflected. Although using other formulations than *by the grace of God* they give the same meaning.⁴⁶ An original charter issued by Cnut's son, Hardacnut, confirms this impression when he declares himself to be the king of England by the grace of God.⁴⁷

It is doubtful whether this ideology was widely distributed in Denmark in the first half of the eleventh century or even in the second half of the century. The copies of the earliest charter issued on Danish soil in 1085, the earliest of the copies probably being from the twelfth century, do not indicate the appearance

44 *DD*, 1.1, no. 448; P.H. Sawyer, *Anglo-Saxon Charters* (London, 1968), no. 975, p. 292.

45 *Ibid.* nos 422, 431.

46 "... annuente ac fauente dei omnipotentis clementia ...", *ibid.* no. 416. "... altithrono ammiculante ...", *ibid.* no. 430.

47 *Ibid.* no. 467.

of the notion of divine kingship even though this charter was issued by King Cnut IV who was later canonized and named “the Holy” in posterity.⁴⁸ As a curiosity, it can be mentioned that four years after the assassination of King Cnut in 1086 his widow, the Flemish Queen Adela, used the phrase *Dei gratia Danorum regina* in a donation issued in Flanders to a monastery for the peace of her dead husband, herself, and their parents.⁴⁹ Charters issued by Cnut IV’s brothers and successors Olaf (1086–1095) and Eric (1095–1103) do not exist while copies of three charters issued by their brother and successor Nils (1104–1134) are preserved. In two of these three charters to St Cnut’s church in Odense, Nils is presented as the king of the Danes by the grace of God.⁵⁰

Nils was followed by his brother Eric’s son, Eric Emune (1134–1137), and after his short reign Eric’s grandson, Eric Lam (1137–1146), took over. From Eric Emune’s three years as king of the Danes we have one original and one copy of a charter, both declaring that Eric was king by the grace of God.⁵¹ The original is a donation to the archiepiscopal seat in Lund. Likewise the one original charter preserved from Eric Lam’s reign is a donation to a religious institution, St Peter’s monastery in Næstved.⁵² All the charters from the time of the feuding kings, Sven Grathe and Cnut Magnussen (1146–1157), using the phrase *Dei gratia rex* are copies in various collections of letters.

Far from all the charters up to the middle of the twelfth century express the meaning that royal power descends from God. The majority of the charters conveying this idea are preserved as later copies mostly found in collections of letters by religious institutions. Merely two original charters are handed down. Both are donations to religious institutions in all probability composed by the beneficiary. It can therefore hardly be argued that the royal charters substantiate the claim that the idea of divine justification of royal power was widespread in the first half of the twelfth century. The question is whether the middle of the century was a turning point in this respect.

All the charters, except one from the reign of the first Valdemar (1157–1182), include the phrase *Dei gratia rex*, but none of the originals of these charters are preserved. They are handed down to us in collections of letters from various monastic institutions benefitting from Valdemar’s generosity.⁵³ The same

48 *DD*, 1.2, no. 21.

49 *Ibid.* no. 23.

50 *Ibid.* nos 32, 35.

51 *Ibid.* nos 63, 65.

52 *Ibid.* no. 78.

53 *Ibid.* nos 120, 122, 123, 128, 129, 130, 131, 143, 156; *ibid.* 1.3, nos 15, 45, 47–50, 55, 62, 63, 66, 67, 71.

consistency of the use of the phrase can be found in royal charters from the reigns of his sons, Cnut VI (1182–1202) and Valdemar II (1202–1241). Twelve out of fourteen letters from Cnut's time use the phrase,⁵⁴ one of them being an original charter.⁵⁵ Only one of the fifty-seven charters from Valdemar II's reign does not include the phrase *Dei gratia rex*.⁵⁶ Fourteen of them are original documents.⁵⁷ Of these, three are charters to the towns of Lübeck, Ribe, and Bremen, one concerns the release of laymen from captivity, one is a transfer of land from Valdemar's son to his daughter-in-law, and one is an agreement between Flanders and Denmark.⁵⁸

At the turn of the twelfth century, the idea that royal power descended from God seems to have been firmly rooted in the mind of the kings and their government officers, and *Dei gratia rex* became a still more consistent phrase in charters issued by the royal chancellery during the thirteenth century. Thus, it can be found in all the charters issued in the reigns of Valdemar II's sons, Eric (1241–1250) and Abel (1250–1252).⁵⁹ As we have seen, the idea that royal power is of divine Christian origin, is indicated by Danish royal charters from the beginning of the twelfth century, but these indications are not consistent until the middle of the century. In the second half of the twelfth century, the phrase *Dei gratia rex* appears in almost all royal charters but the phrase appears only in original charters composed by religious institutions or in later copies. Only after 1200 do we find original royal charters concerning lay affairs using the phrase, indicating that the thought of royal power descending from God had prevailed in the royal chancellery and perhaps also in aristocratic lay circles of society.

This chronology of the reflection of the notion of divine legitimation of royal power in the charters is, however, not matched by similar attitudes in medieval Danish historical accounts. In *Chronicon Roskildense*, probably written by a canon at Roskilde Cathedral in the late 1130s, the main principle is dynastic successions of the kings, and the chronicler is hardly concerned about the jus-

54 Ibid. nos 107, 111, 113, 134, 135, 143, 179, 189, 197, 201, 202, 215, 216; *ibid.* 1.4, no. 24.

55 Ibid. 1.3, nos 202.

56 Ibid. 1.4, nos 48, 49, 53–59, 93, 101, 102, 115, 160; *ibid.* 1.5, nos 8, 10, 14, 34, 46, 54, 57, 58, 72, 73, 84, 95, 96, 160, 164, 200; *ibid.* 1.6, nos 79, 80–82, 95, 102, 106, 107, 109, 113, 120, 121, 138, 167, 179, 182, 203, 220, 235; *ibid.* 1.7, nos 21, 24, 42, 56, 59, 69, 71.

57 Ibid. 1.4, no. 102; *ibid.* 1.5, nos 46, 57, 72, 73, 160; *ibid.* 1.6, no. 80, 82, 98, 102, 106, 107, 109; *ibid.* 1.7, no. 59.

58 Ibid. 1.4, nos 53, 54; *ibid.* 1.5, no. 73; *ibid.* 1.6, nos 82, 98, 109; *ibid.* 1.7, no. 59.

59 Ibid. 1.6, nos 46, 47, 50, 147, 148, 150, 151, 206, 240; *ibid.* 1.7, nos 23, 44, 60, 74, 77, 78, 82; *ibid.* 2.1, nos 1–3, 7, 11, 12, 13.

tification of kingship. For the author, kingship seems to rest on dynastic right or alternatively on the right of the strongest although, as we shall see below, election or the consent of the powerful elite also plays its part in the chronicle.⁶⁰ Likewise the most monumental Danish historical work from the Middle Ages, Saxo Grammaticus's *Gesta Danorum* from around 1200 gives divine mediation in king-making little attention.⁶¹ Neither does Saxo's contemporary Sven Aggesen in his *Brevis historia regum Dacie*, who rather believed that God's grace increased the reputation of the illustrious King Valdemar, one of the two heroes in Saxo Grammaticus's work, the other being Archbishop Absalon who ordered Saxo's *Gesta Danorum*.⁶²

Thus, discrepancy between the royal charters and some of the most prominent chronicles can be found insofar as the idea of divine kingship was more or less ignored in the latter, while the charters indicate that this notion was increasingly accepted in the aristocratic circles around the king. One could be tempted to conclude that the phrase *Dei gratia rex* in the charters should primarily be considered to have been merely a formal title. While the idea of descending divine royal power became part of the aristocratic mentality in Denmark in the High Middle Ages, is it not possible to find any trace of reflections about how power was transferred from God to the king?

The main controversy in political thought in Late Antiquity and the early Middle Ages, that either the delegation of power from God to the lay ruler was direct or it was mediated by the church, is absent in Danish sources. It is perhaps not surprising since the earliest written sources produced on Danish soil are from the second part of the eleventh century when this controversial issue in European political theory was on its last legs. The anonymous *Passio St. Canuti, Regis & martyris*, probably written by a foreigner sometime in the years 1096–1097, and the English monk Ælnoth's *Monachi historia ortus, vitæ, & passionis St Canuti Regis Daniæ*, written in the first half of the 1120s, strongly emphasize the influence of God on accession to the throne but in this respect the clergy plays an unobtrusive part. In the anonymous *Passio* the good king, Cnut IV, was chosen with God's aid, while Ælnoth tells that God created Cnut as his prudent champion. Therefore, he ascended by the grace of God to the elevated level of royal dignity. Cnut was destined to power by God, Ælnoth thought, and in that way spiritual and temporal power was united without

60 *Chronicon Roskildense*, ed. M.Cl. Gertz (Copenhagen, 1917–1920), pp. 1–33.

61 Saxo Grammaticus, *Gesta Danorum*.

62 Sven Aggesen, *Brevis historia regum Dacie*, ed. M.Cl. Gertz (Copenhagen, 1917–1918; repr. 1970), vol. 1, pp. 140–141.

the mediation of the church. *Ælnoth* and the *Passio* picture the clergy as honourable, but weak and in need of protection by the king rather than particularly powerful. The *Passio* tells how Cnut attempted to persuade the magnates not to look down on the believing Christians as alien, and *Ælnoth* emphasizes that he supported the poor clerics in particular.⁶³ It seems to be a realistic account of the status of Christian monks and priests in Denmark around 1100. During the following century, the status of the religious orders and the ecclesiastical institutions improved considerably, and in the aftermath of the Investiture Controversy the ideology of the two swords, i.e. the idea of separated spiritual and temporal powers, gradually made its entry into Denmark. This is manifestly demonstrated in Saxo's account of the election of Absalon as bishop of Roskilde in 1158, and later when Absalon was elevated to be the archbishop of the Danish ecclesiastical province as well in 1178. In the first incident Saxo underlines that King Valdemar did not interfere in the canon's free election of the new bishop, although it was acknowledged that the king had certain rights over the church, founded and endowed by his ancestors.⁶⁴ It is dubious whether Saxo's account of the election is all true, but it does show that theoretically he was perfectly in line with the common thought in his time that secular and ecclesiastical affairs should not be mixed. Thus, it is no great wonder that Saxo plays down the importance of divine justification of kingship in *Gesta Danorum*.

Popular Legitimation of Kingship

It is more remarkable that neither of the two first contributions to historical writing on Danish soil advocate any ecclesiastical mediation in the transfer of divine power to the monarch. Apparently they thought that God was not the only basis of justification for kingship. The *Passio* more than suggests that the king was elected when Cnut, as we have seen, was chosen by the aid of God. But the anonymous author does not tell us who he was chosen by. *Ælnoth*, on the other hand, gives us a clear message. In one passage, he tells about the election by the whole people of the unfortunate royal candidate Harald Hen at the expense of his brother, the God-chosen Cnut. Harald was not only elected by what seems to have been a democratic election; after he was made king he even

63 *Passio St Kanuti regis & martyris*, ed. Jacobus Langebek (Copenhagen, 1774; repr. Nendeln, 1969), vol. 3, pp. 318–319; *Ælnothi Monachi Historia ortus, vitæ, & passionis St Canuti Regis Danicæ*, ed. Jacobus Langebek (Copenhagen, 1774; repr. Nendeln, 1969), vol. 3, pp. 333–334, 342–343.

64 Saxo 14.21.1–2, 55.10–56.2, 58.1.

listened to the people and made laws dictated by it. Therefore, the anonymous author continues, the Danes have demanded of every king succeeding Harald that they should keep his laws, and the Danes still praise him as the father of peace and public liberty. As John of Salisbury puts it later in the twelfth century; “The king’s wishes are the people’s wishes and therefore the law is dictated by the people”. In contrast, according to Ælnoth, Harald’s brother, Eric (1095–1103), was elected by the army with the acclamation of the people, while we hear nothing about any popular election or consent for his hero, Cnut, chosen by God. Still, the election of kings among candidates from a royal dynasty is the norm in Ælnoth’s legend of King Cnut the Holy. An argument for this is that the good king left his power and wisdom as an ideal the sons could imitate by memorable deeds.⁶⁵ On the other hand, Ælnoth makes it clear that anyone who refuses to submit to the rightful prince, who is set over you by God, submits to Satan.⁶⁶

Popular election of kings is quite frequently reported in the *Chronicon Roskildense*. In 1047, Sven Magnus was elected by the Jutes and the natives of Funen. One of his sons, Olaf, was proclaimed joint ruler by the magnates of the realm in 1086 and the Danes made his brother, Nils, king in 1104, the chronicle tells. A part of the Jutes likewise made Eric Emune king and his successor, Eric Lam, was made king by the magnates of the country.⁶⁷ The chronicler seems in general to accept that the right of the most powerful prevailed, but royal power of course emanated from the candidate’s aristocratic network—the kingmakers. Even though the chronicler was supposedly a cleric, he does not raise any objections to this reality in terms of claiming divine interference in the process of making a king. The chronicler is in fact surprisingly indifferent to the idea of divine justification of royal power.

“It was the primeval custom of our forefathers, when kings were raised to the throne, that all Danes came together in a body at Isøre, so that royal inaugurations should be enhanced by consent of all”, Sven Aggesen writes in his short history of the kings of the Danes from the late twelfth century.⁶⁸ This is an echo of Saxo’s underlining of Isøre, at the mouth of Isefjord at the north coast of Zealand, as the polling place of the Danish kings and the meeting point for the Danish *leding* fleet.⁶⁹ In his account of Eric Emune’s rebellion against King Nils in the early 1130s, Saxo even indicates that Isøre

65 Ælnoth, pp. 340–343, 380.

66 Ibid. pp. 370–371.

67 *Chronicon Roskildense*, pp. 22, 24–25, 27, 32.

68 Aggesen, *Brevis historia*, pp. 124–125.

69 Saxo 3.3.1, 11.10.2, 12.8.2, 13.8.4, 14.25.5.

was the polling place for the king of the united Danish kingdom, since during the rebellion Eric dared not receive the royal title at Isøre, he was elected by the Zealanders and the Scanians only, Saxo writes.⁷⁰ Saxo makes it appear that kings were elected at Isøre by the whole people. The first two Danish kings, Dan and Angel, the first ancestors of the Danish the English people respectively, and Dan the father of the Danish royal dynasty as well, living way beyond the birth of Christ were empowered to rule by full consent of the people and by a united people electing the king in return for his bravery and great exploits. Saxo even describes the procedure of the election.⁷¹ The kings following Dan were kings by hereditary right and elected or approved by the people. One of the heroes in Saxo's account, King Valdemar I, the glorious light of the nation, inherited the realm, he makes clear in the preface and hereditary monarchy is, as indicated above, the main thread in Saxo's work.⁷² Still, the direct line of inheritance from father to son is broken more than once. For many centuries of the legendary period it passed to grandsons or nephews, Sven Aggesen claims, and he and Saxo agree that no less than five sons in succession followed Sven Magnus on the throne from 1074 to 1134.⁷³ Still, kingship was hereditary and Saxo and Aggesen agree that kings should preferably be elected from among candidates from the royal dynasty.⁷⁴ Even minors from the royal dynasty could be elected and guardians installed.⁷⁵ Hereditary kingship and election of kings are common features in Aggesen's and Saxo's works.⁷⁶ The authority of the king was based on the support and obedience of the people.⁷⁷

This does not mean that their concepts of kingship did not include the principle of the right of the strongest. His dramatic account of the duel between the legendary Danish king Skjold and his German opponent Skate is a symbolic expression of this principle. This is not the only incident of duels between a Dane and a German about control of the Danish realm that we find in Aggesen's and Saxo's works.⁷⁸ Royal exercise of power over the people is also sometimes

70 Ibid. 13.8.4.

71 Ibid. 1.1.1–3, 1.2.1.

72 Ibid. Praefatio 1.6.

73 Aggesen, *Brevis historia*, pp. 106–107.

74 Ibid. pp. 96–97, 100–101, 140–141; Saxo 13.8.3.

75 Saxo 5.1.1.

76 Ibid. 8.7.1, 8.16.1, 10.1.1, 13.8.3.

77 Ibid. 11.14.1–2.

78 Ibid. 1.3.1–2, 4.4.1; Aggesen, *Brevis historia*, pp. 96–97.

a necessity. Punishment of disobedience is laid down by law.⁷⁹ A king should rule the realm by his own power not out of others' mercy.⁸⁰

The question is, however, what royal power was based on according to Saxo. It was definitely not based merely on the grace of God. Saxo's work does not reflect this ideology explicitly. As Nanna Damsholt has put it, this "theory ... is not something that specially concerned him".⁸¹ Still, God could of course interfere as when he punished the population when the Jutes elected the evil pretender Olaf after the popular rising and subsequent murder of King Cnut the Holy.⁸² Neither could it be said that he simply held that royal power derived from the people in spite of his proclamations that in principle kings were elected by the whole people, and that the authority of the king was based on the support of the people. Firstly, because he claimed that the people had not always followed the orders of the magnates.⁸³ Secondly, kings were indeed not always elected by the whole Danish people. In many cases he does not mention election when a new king followed his father by hereditary right, and the kings were sometimes only elected by parts of the Danish population—the Jutes, the Zealanders, the Scanians etc.⁸⁴ Thirdly, when Saxo gives more detailed descriptions of the elections we learn that it was in fact by consent of the aristocracy that kings were elected. When King Valdemar I had his son Cnut crowned as joint regent, all the lay and ecclesiastical magnates were invited to the ceremony at the church in Ringsted, where they paid homage to the young joint ruler. When Valdemar died, Cnut hastened to Jutland to secure his grasp on the throne by letting his housecarls in Jutland, i.e. the magnates in Jutland, pay homage to him. He was already anointed in Ringsted and had the title. Therefore he only met popular goodwill at the thing in Viborg, Saxo tells.⁸⁵ The consent of the people mattered. Therefore it was a problem for the legendary King Frode when rumours were spread that he ruled against the will of the people, only supported by his warriors.⁸⁶ But what did Saxo mean by the people?

79 Saxo 11.14.1.

80 Ibid. 14.28.10.

81 Nanna Damsholt, "Kongeopfattelse og kongeideologi hos Saxo", in *Saxostudier*, ed. Ivan Boserup (Copenhagen, 1975), p. 150.

82 Ibid. 12.1.1–2.

83 Ibid. 11.14.2.

84 Ibid. Praefatio 1.6, 8.9.4, 8.16.1, 10.1.1, 12.1.1, 14.1.4.

85 Ibid. 14.40.1, 14.40.12, 16.1.1.

86 Ibid. 5.2.4.



FIGURE 2 *Statue of King Valdemar I in front of the church in Ringsted, Zealand, where he had his son Cnut VI crowned as co-regent and where he was buried*

BY KIND PERMISSION OF VISIT RINGSTED

An aristocratic viewpoint on the social stratification in Saxo's time is beautifully reflected in his writings, for example when he finds it was extremely shameful for King Frode, who was never defeated by a magnate, to lose to a man of the people.⁸⁷ Also, as we have seen above, the people had to follow orders given by the magnates. When Sven Magnus came to the throne more by luck than by skill, Saxo therefore hardly means that it was his unlucky relationship to the people as a whole that made him unable to contribute to the raising of the Danish realm to earlier greatness. Likewise, he does not refer to the entire Danish population when he tells that it was divided in respect to the election of Sven's successor.⁸⁸ The relationship between the king and his warriors (*militia*) Saxo describes with an organic metaphor typical for his time, as

87 Ibid. 5.3.21.

88 Ibid. 11.2.1, 11.10.1.

the relation between soul and body.⁸⁹ As we saw above, Cnut VI hastened to Jutland to make the magnates pay homage to him. And as we have just seen, Saxo thinks that the people should obey the magnate's orders even though he also finds that the common people have far too much influence.

Saxo, no doubt, saw the king's loyal warriors and/or magnates as the political and military basis of royal power and his ideal was that the population was subject to his power structure. The political realities did, however, not always live up to this ideal. The most spectacular incident of this disorder was the popular rebellion in Scania in the late twelfth century. The people fell out with the magnates and rebelled against the lay and ecclesiastical public authorities. Perhaps it was not simply a conflict between a popular crowd and the magnates, since two of the king's advisers reportedly thought that the Scanian magnates in league had stirred up the crowd against the king's close friend and ally, Archbishop Absalon, of a powerful Zealand family. The royal adviser from Scania also recommended that the king remove all officials of Zealand origin from Scania. If that is true, an element of the rising seems to have been resistance by locals to Zealand lay and ecclesiastical officials in Scania. On the other hand, Saxo tells that Absalon had the most powerful magnates on his side. Anyhow, the rebellion was put down and an agreement made that the people should not pay tithe.⁹⁰ If we can trust Saxo, and it is hard to see the reasons not to do so, the Scania Revolt reflects the power structures in Denmark in the late twelfth century, i.e. the political context of Saxo's writings. A substantial part of the aristocracy on Zealand seem to be King Valdemar's true supporters, while the Jutes and the warriors from Funen cannot be relied on in his and Archbishop Absalon's conflict with the population in Scania. Besides this regional aspect, a picture of social tensions and thereby of the social stratification emerges from Saxo's account of the conflict. The crowd took a very active part in the fight but, judging from Saxo's text, they were incited and led by Scania magnates.

In the account of the repercussions of the Scania Revolt, when Cnut VI succeeded Valdemar I to the throne, Saxo makes the distinction between the people and the magnates even clearer. When King Valdemar died, the population of Scania was excited over the king's death, and they forced Archbishop Absalon to return to Zealand. His retreat opened the way for lawlessness, popular robberies, and the arson of many of the magnates' houses in Scania. Many of them escaped into exile on Zealand before the archbishop and his army from Zealand put an end to this popular rebellion. After the suppression of the revolt,

89 Ibid. 10.18.17.

90 Ibid. 15.4.1–30.

the people never again dared to oppose the magnates (*principium collegium*), Saxo claims—the normal social order was restored.⁹¹

A hostile attitude towards the peasantry can also be found in the short legendary history of the ancient pre-Christian Danish kings from Lejre near Roskilde on Zealand. This chronicle is inserted between the years 762 and 768 in the annals from the cathedral in Lund, and it was probably written shortly before Saxo's and Sven Aggesen's chronicles. The shepherd Snjo, who was made king of Denmark by the Swedish king, forced the magnates to accept the violations of the peasantry and ruined them. Ultimately, King Snjo came to an appropriate end. He died from flea bites and the Danes took a new king—the notorious Rolf Krake. The rightful and good king was the king elected by the people, no matter whether it was the Jutes, the Zealanders, the Scanians, or the Danes who elected the king, and the legitimate electors, the people, were the magnates—the magnates even named the country Denmark after the first king the Jutes swore allegiance to as their king. After King Dan, his son Ro became king by right of inheritance.⁹²

The general opinion of Danish chroniclers was that kings could be elected exclusively from the royal dynasty and that king making in principle, but hardly in reality, was a popular concern. Ælnoth told that in 1095 King Eric was elected by the army with the acclamation of the people, and Saxo told about Cnut VI, who made the housecarls in Jutland pay homage to him. Subsequently, there were no objections from the people when he presented himself as king at the thing in Viborg. Two preconditions to be one of the king's housecarls are lined up in the *Lex Castrensis* by Sven Aggesen; those who aspired to be members of the royal retainers had to be of high and wealthy descent and to honour the king. In other words, they had to be powerful and loyal.⁹³ As will be argued below, the *Lex Castrensis* appears as a treaty between the king and the magnates supporting and probably also electing him. The ambiguity in the literature about who elected him, the people or a limited group of powerful warriors, could very well reflect a schism of ideal and reality, the ideal being popular justification of kingship while the reality obviously was that medieval kingship was based on a strong faction of powerful magnates.

Anyhow, the idea that kings were elected and/or recognized and not simply installed by the grace of God, with or without the mediation of the church,

91 Ibid. 16.1.2–2.2.

92 *Chronicon Lethrense*, ed. M.Cl. Gerz (Copenhagen 1917–1918; repr. Copenhagen, 1970), vol. 1, pp. 45, 48–51.

93 Sven Aggesen, *Lex Castrensis*, ed. M.Cl. Gertz (Copenhagen, 1917–1918; repr. 1970), pp. 64–67.

resembles the concept of kingship found in Frankish annals a couple of hundred years earlier and Tacitus's descriptions of Germanic kingship 900–1000 years before this theme was taken up in Danish sources. We recall that the Frankish custom according to Einhard's *The Life of Charlemagne* apparently was to elect the king in a general assembly of the people. Tacitus's probably idealized view on kingship among the Germanic peoples includes that "in choice of kings they are determined by the splendour of their race" and that "their king's power is neither unlimited, nor arbitrary". Tacitus is just as ambiguous as the Danish authors about who elected the kings. He only indirectly deals with this issue when he establishes that about matters of high consequence the whole nation deliberates. On the other hand, he points out that the principal central power of the Germans is the king and his retainers, the latter being of eminently noble race whose fathers had done great services to the kings. Thus, Tacitus seems to share ideals with the Danish annalists some thousand years later, insofar as he seems to speak of popular justification of the Germanic kingship while at the same time recognizing that in reality power was in the hands of a limited group of powerful men around the king.⁹⁴

It has been held that Tacitus's conception of government represents the earlier of the two main theses of government in the medieval period. The other being the thesis that kings were empowered by God. According to this theory, original power among the German peoples was located in the people who in their popular assemblies elected their leaders in war and administration of common affairs. With the rise of the Christian church and ideas, this conception was challenged by the idea of power descending from God to the monarchs, and these two sets of political ideas were in conflict throughout the Middle Ages.⁹⁵ As we have seen, very few sources support the idea that popular empowerment was widespread before the twelfth century. Likewise, it can be objected that Tacitus gives an idealized democratic image of the German peoples, and that it was meant as a critique of contemporary Roman civilization. Some have gone so far as calling the concept of ancient democratic Germanic kingship a myth.⁹⁶ Still, rulership based on popular election can be found in Frankish sources even though this idea cannot be found in the sparse political-theoretical literature from the Late Antiquity and the Early Middle Ages. The Christian writers of this period had quite another agenda.

94 Tacitus, *Germania*, pp. 3, 5, 6.

95 Ullmann, *A History of Political Thought*, pp. 12–13.

96 See for example Canning, *A History of Medieval Political Thought 300–145*, p. 16.

As we have seen, this agenda was not conspicuous in the writings of the clerics writing on Danish soil in the High Middle Ages. On the contrary, the concept of government in this literature was rulership based on election among candidates from royal dynasties. The question is whether the concept of rulership in this literature can be seen as a continuation of a Germanic tradition going back to Tacitus over the Frankish annals, or if they are reflections of the general trend in political thought emerging in the aftermath of the Investiture Controversy and influenced by the change in context of political thought when, from the twelfth century, the most important theorists' affiliation became the rising national kingdoms. As pointed out above, the separation of temporal and spiritual power and the appearance of the people in political thought developed in this historic context. If the idea of Germanic rulership based on election is just a myth, it is indeed noteworthy that the two biographies of King Cnut IV the Holy from the late 1090s and 1120s and the *Chronicon Roskildense* from the 1130s promote exactly this idea. In that case, one could say that the anonymous writer and Ælnoth expressed rather advanced thinking insofar as the people as a political factor in lay government in political theory only emerged in John of Salisbury's writing from the middle of the twelfth century.⁹⁷ Probably it was not a new idea after all. It maybe appears new to historians of political thought only because in late antique and early medieval sources, written by clergymen in the historical context of the conflicts between the Byzantine emperors and the bishops of Rome and later the Frankish and German emperors and the Roman Catholic Church, the people was a completely irrelevant entity—the important issue to them was whether temporal leaders were empowered by God directly or by mediation of the church. The biographies of Cnut IV and *Chronicon Roskildense* not only continued a tradition, they also reflected the reality that no one could rule with mere divine consent only. Government in the Middle Ages implied a strong powerbase ideally in the people, in reality it took a strong party of powerful magnates and warriors to be king of Denmark. This ideal and the recognition of political realities are carried on by the anonymous short legend of the pre-Christian Danish kings, Saxo and Aggesen, around 1200.

97 In contrast, Aksel E. Christensen saw John of Salisbury's *Policraticus* from 1159 as a possible model for the later Danish perception. Christensen, *Kongemagt og Aristokrati*.

The Lawmaker

The king is lawmaker in search of the common good, John of Salisbury wrote. The law binds the parts of the societal body together as a reflection of the wishes of the people and God.⁹⁸ A beautiful expression of this dogma can be found in Ælnoth's *passio* of King Cnut the Holy, written decades before John wrote his ideas of the king as lawmaker, when Ælnoth is telling about Cnut's brother and predecessor, Harald Hen. "He was ready to meet the people's wishes and he chose and established by his royal power the laws and rules of law they could wish and so they were obeyed by their descendants."⁹⁹ A decade later, we again meet King Harald as lawmaker in *Chronicon Roskildense*. "He ordered that the woods, taken by the magnates, should be communal", it is said.¹⁰⁰ This law was obviously for the common good, i.e. the good of the people, and it had to be protected by royal law and authority against the sectional interest of the *potentibus*. This information of King Harald as lawmaker is later made epoch-making in Sven Aggesen's short history of Denmark. He finds that Harald "was the first to give laws to the Danes in the place where kings were enthroned".¹⁰¹

Saxo, on the contrary, sees no epoch-making in Harald's lawmaking. Harald gave laws and rules of law, Saxo admits, but Harald gave the ignorant people what they wanted. Saxo apparently disagrees that laws should follow the wishes of the people. One of Harald's misdeeds was to allow the accused to defend themselves by oath against charges substantiated by witnesses. This legal rule has dragged many through the mud and driven them away from God by making them guilty of perjury, Saxo moralizes. Harald's attitude to the law was careless and soft, and he cared more about the altar than the judgement seat he inveighs against.¹⁰² According to *Gesta Danorum*, kings had made laws since the days of the legendary kings, Skjold and Frode, many years before the birth of Christ. Lawmaking was indeed an ancient royal prerogative. King Frode introduced a law of the retainers, parts of which were still in use in Saxo's days, Saxo claims.¹⁰³ Later in his work, Saxo introduces another law of the retainers reportedly given by King Cnut the Great, and he tells that King Cnut the Holy

98 Salisbury, *Policraticus* 4.3.

99 Ælnoth, pp. 340–341.

100 *Chronicon Roskildense*, p. 23.

101 Aggesen, *Brevis historia*, pp. 126–127.

102 Saxo 11.10.7–8.

103 Ibid. 5.3.3, 5.5.1–6.

acknowledged canon law and decided that all disputes between clerics and crimes against the church should be put on trial at religious courts of justice.¹⁰⁴

Sven Aggesen also attributed the law of the retainers to King Cnut the Great who was the maker of the law (*legis extitit conditor*).¹⁰⁵ It is therefore strange that Aggesen in his short history of Denmark credits King Harald Hen with being the first Danish king to have given laws since Cnut ruled half a century before Harald. Aggesen also says that King Cnut's father, Sven, gave the Danes their first common rights over the woods.¹⁰⁶ As we have seen above, according to *Chronicon Roskildense*, the Danes obtained this right by a law given by Harald. When Aggesen, in spite of this confusion, points at King Harald as the first legislator, it is hardly because Aggesen did not consider the law of the retainers a national law, he named it *Lex Castrensis*. Aggesen was more likely simply confused about who was the first Danish king to give laws. Still, the law of the retainers appears rather to be a treaty between the king and the retainers than a law proper. But then again, lawmaking, as we have seen, was understood in the twelfth century as an agreement between the king and the people. The ideal was that the law corresponded to the wishes and needs of the people, in this case the retainers' wishes and needs.

The introduction of the *Lex Castrensis* ends with the words: "First ... I [Sven Aggesen] will explain about the makers of the laws of the garrison [*castrensis*], who made them, why, and where?" The laws were made because a multitude of men rallied round King Cnut—because they came from many nations with a variety of conflicting customs, common laws had to be made and followed in order to make the men ready to obey the king with one accord, like limbs obey the commands of one head. It was, however, not easy to control a crowd of so many different men. Therefore, wise men were sent for, and the king inquired how to lay down rules and punishments for minor and major offences among this heterogeneous crowd of high spirited young men. After having explained the background of the law, Aggesen opens his account of the law itself with these words: "This then was the customary law [*consuetude*] of the assembly of the king's great men, they who are now called knights [*militari*]."¹⁰⁷ Thus, Aggesen seems in the introduction of the *Lex Castrensis* to be rather ambiguous whether it was a law given by the king or a customary law derived by the wise men and the king from the various customs of the retainers.

104 Ibid. 10.18.2–15, 11.11.5.

105 Aggesen, *Lex Castrensis*, pp. 82–83.

106 Aggesen, *Brevis historia*, pp. 63, 65.

107 Aggesen, *Lex Castrensis*, pp. 66–73.

It was the king who laid down the law, but the law only came into being because of the respect in which the king was held by his men. The law was founded on reciprocal respect between the king and his men. The retainers must obey and be loyal to the king. In return, the king had to be generous, pay his warriors their wages, reward and support them, and display the loyalty he demanded from his retainers. In this passage of Aggesen's text, the reader meets relations between the king and his men compatible with the classical theory of feudalism, but they were in no way static power relations. The old wise men set up rules by which any man could transfer his homage to another lord annually at the beginning of the New Year.¹⁰⁸ Thus, lawmaking was not simply the king's prerogative. Professionals, old wise men, were required to make adequate laws to regulate the relationship between the king and his men and between the men among themselves, and the precondition of making just laws, that were to be obeyed, was the reciprocal respect and understanding between the king and his magnate followers. As pointed out above, to be one of the king's men it was not enough to honour the king. To get into this circle of powerful men it was necessary to be of wealthy descent, i.e. to have wealth and power.

In respect to the creation of laws, the *Lex Castrensis* beautifully matches the view on lawmaking in the preamble of the Law of Jutland. In the preamble it is said that the law is given by King Valdemar II in 1241 and passed by the country, i.e. the king's sons, the archbishop, the bishops, and the best men of the realm, that is, the lay and ecclesiastical magnates of the realm.¹⁰⁹ Parts of the preamble of the Law of Jutland are copied from Isidore of Seville's *Etymologiae* or Gratian's *Decretum*.¹¹⁰ It is, however, also quite modern so far as it is in line with its contemporaries, Thomas Aquinas and Henry de Bracton, in respect to the question of whether the sovereign is under or above the law. The preamble of the Law of Jutland states namely that the law given by the king and passed by the country cannot be changed or repealed by the king without the consent of the country, unless it evidently conflicts with the word of God. In this case the king is *solutus legibus*, as Henry de Bracton put it. The idea that the king had the right to give and change laws can, in a less subtle version, be found in King Cnut VI's decree on homicide from 1200. In the decree, it is explained that even though it is the king's right to give or change laws, the homicide decree is not a

108 Ibid. pp. 74–75.

109 *The Law of Jutland*, Preamble, *DGLK*, vols 3–4, eds Johs. Brøndum Nielsen and Poul Johs. Jørgensen (Copenhagen, 1933–1961).

110 Stig Jørgensen, "Jydske Lov i europæisk sammenhæng", in *Jydske Lov 750 år*, eds Ole Fenger and Chr.R. Jansen (Viborg, 1991), p. 19.

new law. The king is merely reviving an ancient custom.¹¹¹ But what if the king violates the law, given by him and passed by his men?

The king is not subject to the law because he holds executive power and no one can coerce him, Thomas Aquinas said.¹¹² This dogma was challenged by Saxo and Sven Aggesen half a century before Thomas put it forward. Sven Aggesen and Saxo held the opinion that the king was subject to the laws he gave and his people accepted. However, they were aware of the inconsistency of this view if the king broke the law. In Saxo's account of the genesis of the *Lex Castrensis*, the king himself was the first to violate this new law. In remorse for his sin, the king stepped down from the throne, kneeled, and ordered his men to punish him. But they were reluctant because they realized that if they passed sentence on the king, they would be like a body without a soul and "easy prey to all those who hitherto had had power over them". In other words, the king's men were worthless without their leader. Therefore, they decided to give back judicial authority to the king, Saxo wrote. He fined himself and in this case acting both as king and the accused, the king gave his part of the fine to the clergy, hoping to placate God.¹¹³

In *Lex Castrensis*, Aggesen gives the story an interesting twist. In his version, the retainers likewise are confused and afraid of passing sentence on the king. In the end, they decided that the king should prostrate before the throne and await their decision. Not surprisingly, the king was reprieved.¹¹⁴ In both accounts, the king is considered subject to the law and the retainers are, in principle, the juridical authority when the king has violated the law. In Saxo's version, the king steps down from the throne to be sentenced but the retainers return judicial authority to him, while in Aggesen's they push the throne between themselves and the king when the sentence is pronounced. In both cases a distinction is drawn between the institutional element, the throne, and the personal element, the king. Descending from the throne, the king puts himself in danger of being punished like a retainer, Saxo writes. This distinction between the institutional side of kingship, the throne, and the individual representing the institution, can perhaps be seen as an early herald of Thomas Hobbes's concept of the state as an abstract, juridical body in his work *Leviathan*, from 1651. As an intermediary, some three hundred years before Hobbes and one and a half century after Saxo and Sven Aggesen, Bartolus of Saxoferrato distinguished between social, legal, and political bodies, such as

111 *DD*, 1.4, no. 24.

112 Aquinas, *Summa theologiæ* Iazæ. 96, 6, pp. 134–136.

113 Saxo 10.18.17–18.

114 Aggesen, *Lex Castrensis*, pp. 78–81.

universitas, communitas, res publica, populus, civitas, collegiums, societas, and the members of these; *persona*. He saw the social and political structures as constant, even though their members die and are replaced by new members, and stressed that the whole has a status different from that of its members. Thus, a legal person is not a person in the ordinary sense. A social, legal, and political body, for example a *civitas*, is an imaginary man.¹¹⁵

In principle, both Saxo and Aggesen are in line with John of Salisbury's idea of the king as being subject to the law, because by obeying the law he makes a good example, but in both versions of the story the bottom line is that this principle cannot be upheld in practice. In this respect, Saxo and Aggesen seem to build a bridge between John of Salisbury and Thomas Aquinas. Still, it is not that simple. In King Cnut VI's decree on homicide from 1200, we saw that it was explained that it was not a new law. The king was reviving an ancient custom. Exactly the same theme can be found in Sven Aggesen's contemporary account of the origin of the *Lex Castrensis*. Aggesen explains that it is an ancient, forgotten law written down in Danish by Archbishop Absalon after consultation with his pupil, King Cnut VI. Aggesen only translated this very brief manuscript into Latin.¹¹⁶ The law is neither simply given by the king; nor is he acting as a judge. It is an ancient law, originally composed by wise men and accepted by the king's men. Saxo explains that the king was only a listener. He handed over the judgement to the warriors because he found it indecent to judge the men he had taken under his protection. Likewise, discipline was not merely founded on the king, but also on the church because all convicted were banned by all the bishops of King Cnut's three realms.¹¹⁷

The Ideal Leader

Even though an explicit *speculum regale* is not presented in any Danish treatise from the eleventh to the early fourteenth century, images of the personal virtues of the ideal political leader can be put together from the Danish chronicles. The anonymous author of the passion of St Cnut from just before 1100 describes Cnut as an ascetic person. Like a monk, he scorns life on earth and follows Christ.¹¹⁸ This sign of royalty is elaborated by Ælnoth in his *passio* of

115 Francesco Maiolo, *Medieval Sovereignty. Marsilius of Padua and Bartolus of Saxoferrato* (Delft, 2007), pp. 243–248.

116 Aggesen, *Lex Castrensis*, pp. 64–65.

117 Saxo 10.18.11, 10.18.16.

118 *Passio*, p. 317.

Cnut two decades later. Opposed to his lascivious father, Sven Magnus—Ælnoth says lasciviousness was a vice found in many kings—Cnut avoided immorality. He increasingly gained control over his vices and by this found true royal mastery. For true kingship is to be God's minister in absolute self-control, Ælnoth teaches. The picture of the king as a self-controlled paragon of virtue can, as we have seen previously, be found in John of Salisbury's and Thomas Aquinas's works later in the twelfth and thirteenth centuries.

According to Ælnoth, the ideal king, Cnut, is not only an ascetic person, he is also a scholar and a strong supporter of the Christian church, of course, always researching useful things and consulting wise and pious men to promote Christianity in his realm. As a good Christian, he is a frequent churchgoer, he donates land and other presents to the churches, and honoured the clerics. Like Christ, he nurses the hungry and poor and supports the widows and the fatherless. He is mild and powerful, good to the lowly men, and disciplining the great men. He is God's champion, a peace-maker protecting his people against the attacks from the foreign pagans, and promoting the church in his realm.¹¹⁹ The anonymous author of *Passio* fully concurs. The good political leader is a pious Christian supporter of the church. He comes of a royal family, distinguished by their Christian faith, teaches the magnates to respect the clerics and not look down on them as aliens and foreigners but to consider them their holy brothers.¹²⁰ The anonymous author of *Passio* and Ælnoth are in line with the early medieval understanding of the church or Christianity being a unity of religious and temporal power. The good king is a true Christian and a minister of God. The king is the corporeal defender of Christianity and the earthly supporter of the Christian mission. Politics and mission go hand in hand. The king is a peace-maker and, as St Augustine claimed, a principal task of the good king is to secure justice. Ælnoth and the anonymous author fully agreed. The aim of the latter was to teach through his *passio* of Cnut "how much worth it has with God if one loves justice".¹²¹

In contrast, the religious aspect of the good king's personality does not play a conspicuous part in Saxo's and Sven Aggesen's works some one hundred years later, even though the exemplary King Valdemar I, according to Saxo, did follow up the ban of the archbishop by punishing the felons. Saxo has nothing but scorn for popular superstition such as the maternal belief that a touch by the king would bring their small children a happy childhood and prosperous future

119 Ælnoth, pp. 332–334, 342–345.

120 *Passio*, pp. 317–320.

121 Ibid. p. 317.

as a gift from heaven, and the peasants' idea that if the king spread a handful of seed grain, the grain would grow better.¹²² In general, neither Saxo nor Aggesen are much concerned with the religious side of the king's personality accentuated by the earlier anonymous *Passio* and *Ælnoth*. In Sven Aggesen's summing up of the many virtues of King Valdemar I, for example, not a single religious merit is mentioned.¹²³ This is perhaps not very surprising. On the one hand, the object of the *Passio* and *Ælnoth* is quite different from the object of the works of Saxo and Aggesen. The aim of the two first works was to pave the way for the canonization of King Cnut IV, while Saxo and Aggesen wrote extended and short histories respectively of the royal Danish dynasty and the Danish people as integrated phenomena. On the other hand, crucial events occurred in the relationship between ecclesiastical and lay power in real life as in political thought during the twelfth century. The Investiture Controversy and the turn in political thought during the twelfth century, however, do not explain why religious virtues are not particularly applied to the good kings in the *Chronicon Roskildense*, since it was written in the late 1130s, only a decade or two after *Ælnoth*'s work on the life of King Cnut the Holy. In addition, as we will see below, the continuation of the *Chronicon Roskildense*, written in the early thirteenth century and accounting for the time after 1139, do apply certain religious aspects to the image of the good king.

The *Chronicon Roskildense* is remarkably neutral when it comes to judgments of good and bad kings. An evaluation of the central characters in the work, King Nils, his son Magnus, Cnut Lavard, and his brother King Eric, can, however, be found in the work. The author finds King Nils a mild and common man, definitely not a ruler. In contrast, his son Magnus is called *flos Danie*, the most beautiful of the young, bold, and strong, a cheerful giver, wise, and an admirer of firmness. His cousin, Cnut Lavard, is described as a chaste and moderate man, adorned with wisdom and eloquence as opposed to his brother, King Eric Emune, who was a disgraceful man, furious and deceitful. He carried himself forward as an emperor, cleared all obstacles, tolerated no equal, much less superiors, arrogant, pompous, great in evil, terrible in all his ways—this is King Eric's testimonial in *Chronicon Roskildense*. The brief list of the good King Valdemar I's virtues in the continuation of the chronicle states that King Valdemar I ruled the realm nobly for twenty-six years because he led the pagans to the faith, the faithful to peace, the peaceable to safety, he turned hate to love,

122 Saxo 14.28.13, 14.55.7.

123 Aggesen, *Brevis historia*, p. 139.

pain to joy, war to peace, and need to prosperity.¹²⁴ The *Chronicon Lethrense*, dealing with the pre-Christian kings, like the *Chronicon Roskildense*, gives only a single character sketch of the bad king, King Snjo. He is reckless, conceited, cruel, and horrible, robbing from anyone who possessed something, giving it away to greedy and malicious people. The bad king also gives bad and unjust laws, his judgements are unfair, and he tolerates the peasantry's violations against the nobles. The bad king is the man of the peasantry.¹²⁵ Saxo does not go that far in his reflections on the bad king, although he thinks that the peasantry always has too much say in the matter. The bad king is conceited, extravagant, a slave of lust and delight. He is lazy, flabby, dirty, drunken, dull, and violates holy matrimony.¹²⁶ Aggesen follows up in his characterization of the pagan king Gorm, who he portrayed as an indolent king indulged in sensuality and drinking, a very strong contrast to his virtuous and glorious queen Thyra.¹²⁷

According to Aggesen, Valdemar I was handsome, chivalrous, insightful, wise and very convincing, energetic, a great warrior, intelligent, victorious, popular with lots of success, and strict but fair towards his own people.¹²⁸ Valdemar I is the prototypical good king for Aggesen and, as touched on above, Valdemar's status as a heroic king is even more pronounced in the continuation of the *Chronicon Roskildense* and in Saxo's work. His status as an ideal king was built on the hereditary claim from his forefathers, the long line of Danish kings going back to the progenitor Dan, who lived beyond the birth of Christ. Therefore, it is much easier to find descriptions of good than bad kings in *Gesta Danorum*. Many more regal virtues than bad characteristics of kings can be found in the work.

The physical appearance of the king is important to Saxo, particularly when he tells about legendary kings like Skjold, a big and strong champion, and Frode, called "the Swift", because of his great physical and mental strength.¹²⁹ The first was not only impressive in stature, but also a generous king competing with other kings in generosity, magnanimity, and bravery. He rewarded the magnates (*procures*) and gave them the war booty he took from the enemy; "as he used to say; the warriors shall have the money, but the honour is the commander's [*ducem*]".¹³⁰ Generosity is considered an important royal quality; it was even

124 *Chronicon Roskildense*, pp. 25, 27, 29, 31, 33.

125 *Chronicon Lethrense*, p. 50.

126 Saxo 4.6.1, 6.6.1, 11.10.1, 13.8.3, 13.11.12; 14.2.14.

127 Aggesen, *Brevis historia*, pp. 108–109.

128 *Ibid.* pp. 138–139.

129 Saxo 1.3.1, 4.8.1.

130 *Ibid.* 1.3.3.

embodied in the *Lex Castrensis* as a regal duty.¹³¹ A reason why is pointed out by Saxo when telling about King Eric Lam's troubles with his rival, the Norwegian Olaf Haraldson. Advised by his wife, the sister of the archbishop of Bremen, Hartvig, Eric gave out the royal capital to his warriors. The result of his open-handedness was apparently that he ultimately succeeded in defeating his rival.¹³² As we just saw, Skjold, the paragon king, was not only an impressive physical figure and a generous leader, he also competed with other kings in bravery. The good king was of course brave, but royal bravery should be balanced by royal gentleness and mercy.¹³³ In addition, the ideal, Skjold, was a just king and devoted to the *patria*—his mother country.¹³⁴ Saxo's contemporary hero king, Valdemar I, is described as no less than the saviour of the country, one of the lights of the nation, the other being his friend and associate Archbishop Absalon—Sven Aggesen fully agrees in this evaluation of Valdemar.¹³⁵

The religious aspects of the good king are for obvious reasons prominent in the hagiographies of King Cnut the Holy, while they are unobtrusive in the later chronicles. Still, it is a general personal feature of the good leader that if he is not downright ascetic, he is self-controlled and modest. He is an impressive figure, physically and mentally strong, and brave and gentle at the same time. The good leader is generous to his men, he does not curry favour with the peasantry, but intelligently listens to the advice of wise men in order to make just laws and to protect the realm.

Conclusion

The main controversy in political thought from the fifth to the twelfth centuries was whether lay or ecclesiastical power was the superior. There was consensus that power came from God, but the question was whether God endowed the emperor with power directly or power was transmitted from God to the emperor via God's representative on earth. In the Byzantine Empire, the Christians accepted the emperor's supervision of ecclesiastical matters, although he was a non-ordained layman with no sacramental power. In the West, already in the sixth century some kings apparently understood that secular power came

131 Aggesen, *Lex Castrensis*, pp. 74–75.

132 Saxo 14.2.13.

133 Saxo 8.16.1, 10.18.11, 15.2.2.

134 Saxo 1.3.3.

135 Ibid. 15.6.11–12; Aggesen, *Brevis historia*, pp. 138–139.

from God, but it was only from the Carolingian period the idea became central, that of the two existing, distinct powers the sacred authority of the priests was more weighty than the royal power. Carolingian kings were crowned and anointed by bishops, but God was apparently not the only legitimation of kingship. The custom of the Franks was to elect the king in a general assembly of the people. Therefore, there were two main principles in the notion of Christian kingship in the Early Middle Ages. One was the transmission of divine power from God to the king by the pope, in return for the protection of the church by the king. The second was the election of kings by the people, which was presumably an ancient, non-Christian element in king-making. The existence of elective kingship of this sort was effectively suppressed by Christian writers. The clerical consensus was that the people needed to be governed by just leaders and that ecclesiastical consecration of the king was a guarantee of just leadership.

The Investiture Controversy was a turning point in the development of the concept of political leadership in western Europe. In the twelfth century, the dispute over whether power was transmitted directly from God to the emperor or transferred via the pope was neutralized by the idea of a dualistic separation of lay and religious powers. The lay community now appeared as political subject and as part of the legitimation of kingship, the other part was God. Together, the people and God formed the entity of the commonwealth. The elected king was to be a good example and a disciplined paragon of virtue subject to the law. On the latter point, a development took place from the twelfth to the thirteenth centuries. One argument was that the king can set aside the common law of society if required by the common good. The other was that because the king holds executive power, he cannot be subject to the law. On the other hand, all should have some share in government. Therefore mixed government was advised by Thomas Aquinas. Excluding Thomas's friend and pupil, the republican thinker Ptolemeus of Lucca, there was consensus in political thought that monarchy was the supreme form of government, and at the turn of the thirteenth century the thought of the unity and temporal and religious received its final blow. The king is the minister of God and should be elected by God, who understands the eternal disposition of this world, said John of Paris and Dante, while Marsilius of Padua argued that the genesis of monarchy is inborn human nature. Whether kings were elected or not was not crucial but elected kings are best, because they rule over more willing subjects, Marsilius found. As the first political thinker, he defined what a realm is—namely rule over willing subjects living in a plurality of provinces and towns.

It is doubtful whether the idea that monarchic power descended from God was widely distributed in Denmark in the first half of the eleventh century, or

even in the second half of the century. Up to the middle of the twelfth century, far from all charters express that royal power comes from God, but around 1200 this idea seems to have been firmly rooted in the minds of the kings and their government officers, and *Dei gratia rex* became a still more consistent phrase in charters during the thirteenth century. This chronology is, however, not matched by medieval Danish historical accounts. The idea of divine kingship is more or less ignored in this type of source, and consequently the discussion of the channels of transmission of power from God was quite irrelevant in the most prominent Danish chronicles. This is no great wonder since the earliest of them is from about 1100. The notion that kings were elected and/or recognized by the people and not simply installed by the grace of God is an absolutely dominating idea in Danish chronicles. They are, on this issue, in line with the turn in European political thought in the twelfth century and at the same time they can be seen as a continuation of a Germanic/Frankish tradition of elected leaders, going back to Tacitus. The ideal in the Danish chronicle was popular justification of kingship, while the reality accounted for obviously was that medieval kingship was based on a strong faction of powerful magnates. The king is, nevertheless, definitely seen as a lawmaker and the royal laws should correspond to the wishes and needs of the people. John of Salisbury held that the king was subject to the law. This idea was challenged by Saxo and Sven Aggesen half a century before Thomas Aquinas saw the inconsistency in this dogma. In their attempt to solve the dilemma they made a distinction between the institutional and personal side of kingship. This distinction can be seen as an early herald of Thomas Hobbes's concept of the state as an abstract, juridical body.

The image of the king as a self-controlled paragon of virtue can be found in the Danish literature from around 1100. The good king is a true Christian, a minister of God, the corporeal defender of Christianity, and the earthly supporter of the Christian mission. The king is a peace-maker, and the principal task of the good king is to secure justice. In contrast, the religious aspect of the good king's personality and the royal office does not play a conspicuous part in either Sven Aggesen's or Saxo's works from the late twelfth and early thirteenth centuries. A century ago Curt Weibull described what he called Saxo's princely ideal. Weibull thought that "Saxo in the king, first and foremost, sees the representative of purely secular state interest".¹³⁶ Apart from his use of the term state, the present study confirms Weibull's fundamental position. The Investi-

136 Curt Weibull, *Saxo, kritiska undersökningar i Danmarks historia från Sven Estridsens död till Knut VI* (Lund, 1915), p. 102.

ture Controversy and the turn in political thought during the twelfth century might partly explain this change of focus, however, these developments do not explain the almost complete absence of religious virtues applied to the good kings in the *Chronicon Roskildense* from the 1130s. Physical and mental strength are important characteristics of the successful king in the Danish chronicles. The good king is brave, generous, merciful, gentle, and devoted to his native country.

The preamble of the Law of Jutland lines up a king's duties to monitor judgments, do right and save widows, the defenceless, children, pilgrims, foreigners, and poor, and to banish evil people and punish and kill men committing atrocities. By living up to these duties, the king is God's servant and the guardian of the country. However, the preamble makes it clear that the king shared these duties with the magnates of the realm ("høfthings thær i land ær"). All the same, the preamble continues that "just as the holy church is governed by pope and bishops, every country shall be governed and protected by the king or his officials, for which reason everyone living in his land shall be obedient and submissive to him. All lay magnates [*høfthyng*] should know that with the power God gave them in this world, God also gave them the duty to protect the holy church against all claims. But if they become forgetful or partial and do not protect as they ought to, they will be made responsible on Judgement Day if the liberty of the church and the peace of the land are diminished and they are to blame in their time." Thus, the normative preamble of the law is rather contradictory about the division of duties and power in Denmark at the middle of the thirteenth century. The duties accounted for resemble the church's orthodox ideology of the duties of a Christian king, but these duties and the power given by God are both directed to the king and the magnates of the realm. This ambiguity is a function of the fact that the law was given by the king made with the magnates' advice ("til allæ bæstæ menz rath").¹³⁷ The preamble of the Law of Jutland shows the clash between the ideological Christian idea of government and the political realities in Denmark in the middle of the thirteenth century.

137 *The Law of Jutland*, Preamble.

Genealogy

To the ancient Greek historian Herodotus, genealogy was the mother of history. Genealogy had a central place in antique Greek and Roman traditions. Medieval genealogy found inspiration in these traditions and the Bible's patrilineal myth of mankind. In the Christian generative myth, God created Adam, from whom he created Eve, whose descendant Mary gave birth to Christ, the saviour and father of all Christians; in this myth, medieval genealogy found a model and a divine meaning. Written medieval genealogy probably also had forerunners in pagan, oral traditions. Oral genealogy was reportedly a secular profession in Gaelic speaking parts of Europe. This might suggest a pagan Celtic prehistory of genealogy. In the pagan past of the Germanic kingdoms, the lack of such evidence suggests that genealogy was not a cultural element. In the Nordic countries, a memorial tradition can be found on the majority of runic stones from the Viking Ages, continuing up to the middle of the twelfth century. This memorial practice did not imply remembrance more than one generation back in time, and cannot be equated with genealogy. However, two exceptions to this practice can be found on two Swedish runic stones. They list six and seven generations respectively, but they are both erected by Christians, one of them probably sometime in the eleventh century, the other later in the High Middle Ages.¹ In the so-called Germanic parts of Europe, including Denmark, the church seems to have introduced genealogical practice based on biblical and antique Greek and Roman cultural foundations.²

-
- 1 The so called Malsta stone from Helsingland (HS14) carries a cross suggesting that Romund who erected the stone was a Christian. Furthermore, the names of the commemorated six generations on the stone are exceptional in Swedish rune stones. The same can be said of the name of the person who erected a stone on an isthmus in Lake Sandsjö in Småland commemorating five generations of his ancestors (Sm 71). His name was Årinvard. This name does not exist in any other rune stone, only in medieval sources, the earliest of which is from 1260. Thus, both of these runic stones are medieval, or at least erected by individuals influenced by Christian thought. "Smålands runinskrifter", *Sveriges Runinskrifter* 4 (1935–1961), 186–187; Sven B.F. Jansson, *Runinskrifter i Sverige* (Stockholm, 1984), pp. 103–104.
 - 2 David N. Dumville, "Kingship, Genealogies and Regnal Lists", in *Early Medieval Kingship*, eds P.H. Sawyer and I.N. Wood (Leeds, 1977), pp. 84–85, 96, 102; Ane Fjord, 140978–1418, *Memo-rialkultur i dansk middelalder, ca. 700–1250*, unpublished thesis, University of Copenhagen

The development from memorial to genealogical practice in Denmark had to do with changing kinship systems. In the Viking Age, people saw themselves as a horizontal kin group where the maternal bloodline was as important as the paternal bloodline. This bilineal, horizontal, and non-temporal kinship system seems to have dominated Denmark before 1000. From the late eleventh century onwards, kinship perception among the elites was changing as horizontal family solidarity weakened and slowly made way for a patrilineal perception of kinship focused on agnatic descent, though a degree of horizontal kinship perception prevailed. This change happened slowly and was still not fully cemented in Danish consciousness by the thirteenth century, judged from the inheritance customs in the provincial laws—see the chapter on law, justice, and constitution. The still more important relationship to land was a driving factor behind this change—see the chapter on landownership. In France and Germany, the focus also shifted to viewing kinship primarily from a temporal and patrilineal viewpoint, only the change from a bilineal, horizontal to a patrilineal view on kinship was at least a century earlier than this development in Denmark.³

Among the aristocracy the patrilineal family or dynasty, as a new type of kinship structure, appears in genealogy in the High Middle Ages. It has been argued that this form of genealogy appeared in thirteenth-century France as both a cause and a consequence of noble families beginning to organize themselves into lineage families.⁴ As we will see below, genealogies in that particular form existed in Europe before the thirteenth century. Because the patrilineal family focused primarily on filiation of the male line it became difficult at times to produce male links back to ancient ancestry in prestigious

(Copenhagen, 2005); *Den Store Danske Encyklopædi*, vol. 7, ed. Jørn Lund (Copenhagen, 1997), pp. 352–353.

- 3 Jo Ann McNamara and Suzanne Wemple, “The Power of Women through the Family in Medieval Europe, 500–1100”, in *Women and Power in the Middle Ages*, eds Mary Erler and Maryanne Kowaleski (Athens, Georgia, 1988), pp. 126–141; R. Howard Bloch, *Etymologies and Genealogies, A Literary Anthropology of the French Middle Ages* (Chicago, 1983); David Herlihy, “The Making of the Medieval Family: Symmetry, Structure, and Sentiment”, in *Medieval Family, Perspectives on Marriage, Household, and Children*, ed. Carol Neel (Toronto, 2004), pp. 192–213; K. Leyser, “The German Aristocracy from the Ninth to the Early Twelfth Century. A History and Cultural Sketch”, *Past and Present* 41 (1968), 25–53; K. Leyser, “Maternal Kin in Early Medieval German: A Reply”, *Past and Present* 49 (1970), 126–134; John B. Freed, “The Counts of Falkenstein: Noble Self-Consciousness in Twelfth-Century Germany”, *Transactions of the American Philosophical Society*, n.s., 74.6 (1984), 1–70.
- 4 Gabrielle M. Spiegel, “Genealogy: Form and Function in Medieval Historical Narrative”, *History and Theory* 22.1 (1983), p. 47.

ruling houses. As a consequence, female links were sometimes accepted. This was actually the case in the earliest Danish royal genealogies from around 1100, presumably as a reminiscence of the recognition of maternal kin in the bilineal, horizontal kinship system. However, not all genealogies do fit the ancestor-oriented model in which a single line is depicted, based on a powerful, at times mythical, founding father through generations of forefathers to the ultimate heir to their rights, status, and power. Another, more elaborate kind of genealogy appeared giving information about more than one person in a generation. This type of genealogy, of course, gave much better odds of finding common ancestors of royal or princely blood. In addition, it matched the medieval concept of family in customary law, e.g. found in the Danish provincial laws, and perhaps helped to avoid incest.⁵

The interest in genealogy developed to be socially widespread in the Middle Ages. Not only emperors, kings, princes, bishops, and the nobility were preoccupied by their descent; genealogies have survived in various forms for more humble social groups as well. The Icelandic sagas, for example, indicate that even humble men would not be satisfied with ancestors other than the Norse gods. Still, genealogy was predominantly an aristocratic phenomenon. A long and distinguished pedigree meant noble birth. The German word for nobility, *adel*, adopted into the Danish language in the early sixteenth century, originally meant that patrimony and nobility was based on descent or military services.⁶ The importance of blood was one of a few general characteristics that would sketch a picture of the nobility which would apply during all the Middle Ages. Still, the upper stratum of society was never an entirely closed class. The general characteristic of nobility in blood is supported by the theory that before 1000 the German and French aristocracies were composed by groups “linked by descent, true or mythical, from a distant ancestor” which developed into “well-structured families ... with a clear and exclusive sense of agnatic descent”.⁷ In opposition to this view it has been claimed that in the High Middle Ages “the fluid nobility of the ninth and tenth centuries ... changes into the rigid nobility of the feudal period”, which “all assumed the same title—that of knight”. Parallel to this structural change, genealogy developed into a literary and historical

5 Godfried Croenen, “Princely and Noble Genealogies, Twelfth to Fourteenth Century: Form and Function”, in *The Medieval Chronicle: Proceedings of the 1st International Conference on the Medieval Chronicle*, ed. Eric Kooper (Amsterdam, 1999), pp. 84–95.

6 *DSDE*, vol. 1, p. 57.

7 Leopold Genicot, “Recent Research on the Medieval Nobility”, in *The Medieval Nobility. Studies on the Ruling Classes of France and Germany from the Sixth to the Twelfth Century*, ed. Timothy Reuter (Amsterdam, 1979), pp. 18, 27, 28.

genre in north-western France and Germany.⁸ These parts of Europe were not the only places where genealogies were constructed in order to make assurance of rank and authority. The counts of Barcelona joined this high medieval trend.⁹ Nordic magnates also tried to win reputation by tracing their ancestry back to legendary mythical heroes and famous royal families.¹⁰

Genealogy was a genre with a strong ideological and political function, particularly for royal and princely genealogies. In France “the making of these genealogies often seems to have been prompted by the necessity of legitimizing some power or authority”. It has been held that this explains “the absence of royal genealogies ... before the last years of the twelfth century, when Phillip Augustus’s chancellery became a workshop for genealogical writings”. It has been argued, that before that point in time “the king did not need to proclaim his powers by way of genealogical right as these already had a legal basis because he was the chosen and anointed one”.¹¹ If one follows this line of thinking, Phillip Augustus had more reasons to strengthen his authority genealogically than his predecessors. Still, it was in fact during his father’s reign that the first history of the French kings was launched, and even long before the political construct of the Merovingian family began.¹² This construct is developed in the first section of the ten volumes of *Grande Chroniques* completed in 1274. It structures the Capetian kingship for three generations, the first of which contains the Merovingian genealogy, the second the generation of Pepin, the third the generation of Hugh Capet. They all descended from the legendary Trojans.¹³ In his mythical *Historia regnum Britanniae*, written in the decades just before 1150, Geoffrey of Monmouth claims that the British royal dynasty is also of Trojan origin.¹⁴ The overtones of dynastic myth on the royal level of

8 Georges Duby, “Lineage, Nobility and Sociology of the Medieval West” and “French Genealogical Literature”, in *The Chivalrous Society*, trans. Cynthia Postan (Berkeley, 1977), pp. 79, 157.

9 Benjamin Wood Westervelt, “The Power to Take and the Authority to Hold: Fabrications of Dynastic Legitimacy in Twelfth-Century Catalonia”, *Journal of Medieval and Early Modern Studies* 29.2 (1999).

10 Claus Lund, “Indledning” to *Skjoldungernes Saga* (Copenhagen, 1984), pp. 22–23, 36–37.

11 Duby, “French Genealogical Literature”, pp. 151–152.

12 Ian N. Wood, “Deconstructing the Merovingian Family”, in *The Construction of Communities in the Early Middle Ages. Texts, Resources and Artefacts*, eds Richard Corradini et al. (Leiden, 2003), pp. 149–171.

13 Spiegel, “Genealogy: Form and Function”, pp. 48–49.

14 Geoffrey of Monmouth, *History of the Kings of Britain* 1, trans. Aaron Thompson (Cambridge Ontario, 1999), pp. 2–23.

genealogies also appear in the fiction of the dynasty of the Norwegian king Harald Hårfager.¹⁵

Genealogy was also important in the Celtic-speaking world, in authenticating the kings' claims to royal authority in the High Middle Ages. Thus, at the inauguration of King Alexander III of Scotland in 1249, his genealogy was read back to the fifth century. Aspects of this genealogical tradition can be traced back to the sixth century in the Celtic countries, and it continued until the seventeenth century in Gaelic Scotland. Royal pedigree was important in Anglo-Saxon England too. Succession to the throne was usually supported by factual or constructed descent from the fifth or sixth century, and real or imaginary royal ancestors.¹⁶ Whether these genealogies are true or false is not at issue. They served to substantiate the claim of rule against a people without any knowledge about who the leader's forefathers might have been hundreds of years ago. The genealogy was an ideological weapon verifying that the king was gifted to bring luck and victory to his people because of his descent. It was a certificate of ability to perform good leadership.

On the continent, certain Germanic and Frankish laws contained king-lists and genealogies suggesting that royal descent was important for the king's right to rule. Thus, Visigothic and Lombard edicts containing king-lists and genealogies are preserved from the seventh century, and Frankish lists are known from the following centuries. In England, no direct interrelationship between legislation and royal pedigree can be found before the eleventh century. Still, the interest in genealogy appears from the Anglian collection of royal pedigrees and regnal lists probably made in the second half of the eighth century.¹⁷ Medieval genealogies depicting the kings of England can be divided into those that begin with the Trojan Brutus, and those that begin with the Anglo-Saxon kings. A third category can be added to this pattern, those that begin with Adam and Eve.¹⁸ A long and royal pedigree was essential to legitimize a king's author-

15 Sverre Bagge, "Ætt, statt og politikk fra vikingetid til 1200-tallet", *Norsk slektshistorisk tidsskrift* 38.2 (2001), 68–70.

16 Thomas D. Hill, "Woden as 'Ninth Father': Numerical Patterning in Some Old English Royal Genealogies", in *Germania. Comparative Studies in Old Germanic Languages and Literatures*, eds Daniel G. Calder and T. Craig Christy (Wolfeboro, 1988), pp. 161 ff.

17 Dumville, "Kingship, Genealogies and Regnal Lists", pp. 72–77; Erich Hoffmann, *Königserhebung und Thronfolgeordnung in Dänemark bis zum Ausgang des Mittelalters* (Berlin, 1976), pp. 6–9.

18 Margaret Lamont, "'Genealogical' History and the English Roll", in *Medieval Manuscripts, Their Makers and Users*, ed. Henry Ansgar Kelly (Turnhout, 2011), pp. 245–246.

ity and prove his right and ability to rule in the Christian parts of Europe long before 1000.

In the High Middle Ages, royal descent also became an important certification of a king's right to rule in Denmark. In the previous chapter, *A speculum regale*, we saw that royal descent in eligibility and inauguration was an important ideological aspect of kingship in Danish chronicles from the twelfth century. The same can be said about the Danish hagiographies, chronicles, and king-lists which are subject to the following study of the constructions of the royal Danish dynasty. These constructions constituted part of the king's legal title to rule, and in this capacity they can be considered legal documents and/or propagandist, political weapons to establish legitimate rule. Danish kingship and the political unification of the realm and peoples of Denmark are the dominant ideas of the constructions of the royal dynasty found in the sources. Alternatively, genealogies were expressions of learning or probably even a means of arranging historical narratives, a literary form or what has been called a "perceptual grid" of the past.¹⁹ The ideological and political aspects of genealogy will be focused on, while the academic and methodical functions of genealogy will only be dealt with sporadically in this chapter.

The following study is divided into three parts. The methodological principle for the structure is derived from the classical theoretical distinction in Danish historiography between legendary and historical kings.²⁰ In the Middle Ages such a distinction was not known. One part deals with the former, while the two others concentrate on the historical kings. The chapter is structured from a combined chronological and thematic principle. The first Danish sources referring to legendary kings, *Chronicon Lethrense* and *Catalogus regum Danie*, is dated to Valdemar I's time (1157–1182), while the first Danish genealogy of the historical kings, *Chronicon Roskildense*, is from the end of the 1130s. Consequently, the chapter is divided into a section studying the historical kings up to approximately 1140s, in foreign annals and chronicles and the two Danish hagiographies, followed by an examination of the mythical kings. Finally, the genealogy of the historical kings from about 1140 to 1300 is dealt with. The latter two sections are exclusively based on Danish sources.

19 Spiegel, "Genealogy: Form and Function", p. 47.

20 Traditionally the first historical king and founder of the royal Danish family has been held to be Gorm. J.P.F. Kønigsfeldt, *Genealogisk-Historiske Tabeller over De Nordiske Rigers Kongeslægter* (Copenhagen, 1856), p. 5; *Danmarks Historie*, vol. 1, eds Aksel E. Christensen et al. (Copenhagen, 1977), p. 580.

Historical Kings until c. 1140

The Frankish Annals

Historiography had an important place in the Carolingian Renaissance. During the reign of Charlemagne, a desire developed to preserve the memory of his and his successors' achievements for the edification of their contemporaries and in memory for posterity. From monasteries in Charlemagne's mighty empire and the kingdoms that the empire was later divided into a number of annals are preserved, which illuminate the power relations among the Northmen, the annals' umbrella term for the peoples north of Saxony. The annals are not recorded simultaneously with the listed events and their contents are, of course, the point of view of the Frankish imperial court and later the Lorraine and East Frankish (German) courts' viewpoints. The Frankish annals are the earliest sources we have for the study of Danish political history. They give a vivid image of the power configuration among the Danes in the ninth century.

The intention of the Frankish and German annals was not, of course, to construct a line or dynasty of Danish kings. Nevertheless, in their accounts of the Frankish and German emperors' and kings' relations to the Nordic peoples, they disclose a list of Danish kings from 782 to 887. This royal line can be divided into kings based in the region of the Danes north of Saxony, i.e. Jutland, and the Danish kings referred to as Frankish rulers and/or vassals in Frisia. This distinction is the product of the displacement of the perspective in the annals resulting from the breakdown of the Frankish Empire into three kingdoms in 843. Up to the 830s, the Franks played an active role in the distribution of power among the Danes. As will be seen in the chapter on *marca*, *feudum*, and sovereignty, from 824 the Franks even perceived the lands of the Danes as a marginal part of the empire. After the dissolution of the empire, the Frankish and German efforts towards the Northmen became far more defensive. The Danes were then described as invading barbarians and their kings as warlords and/or rulers of allocated parts of the Frankish territory.

It is perhaps a misrepresentation of the facts to denote the Danish kings in the Frankish annals historical kings, since definite proof of their existence cannot be deduced using information from other contemporary sources, except in one case. On the other hand, there is no good reason to distrust their information apart from that one may, of course, generally raise doubts about how well informed Frankish monks may have been when it came to the Danish leaders' names and parentage. As regards the latter, it must also be accorded that the family ties that characterize the general picture of the Danish power structure, may have to do with the Frankish aristocrats' self-perception that men of power

were to be found within a relatively narrow circle of relatives. Nonetheless, no family ties are mentioned between the first two Danish kings.

The *Annales regni Francorum* note for the year 782 that the Northmen's king, Sigfred, sent envoys to Charlemagne's court at the River Rhine, and again in 798 Sigfred is mentioned as the king of the Danes. That is the last we hear of him, and we do not know whether he had died when the next king of the Danes, Godfred, appeared in the annals for the year 804. Subsequently Godfred was reported as king of the Danes in 808, 809, and 810, when he was reportedly killed by one of his men. He was followed by his brother's son, Hemming, who died in 812. Hemming's death apparently left a power vacuum in the land of the Danes, and strife between Godfred's nephew, Sigfred, and Anulo, the former king Harald's nephew, began. If this information is reliable, there were simultaneously at least two, maybe four, kings of the Danes' lands north of Saxony before 812—Sigfred, Harald, Godfred, and Hemming. Only the latter two seem to have been related.

In a battle between Sigfred's and Anulo's supporters, both pretenders were killed, but because Anulo's party was victorious, they elected Anulo's brothers, Harald and Reginfred, as their kings. Already the following year, 813, they were attacked and defeated by the late King Godfred's sons. In 814, Harald and Reginfred once again gathered an army and went to war against Godfred's sons, who were now in power. In this war, both Reginfred and one of Godfred's eldest sons were killed. Harald fled to the emperor and gave himself into his custody. Godfred's sons were now kings in the areas north of Saxony up to 819, when Harald, with the help of the emperor, sailed back to take over the country. Two of Godfred's sons joined him, presumably to share power with him, but the other two were chased out of the country. Harald's royal power was, however, still threatened by Godfred's sons and in 824 he again had to turn to Emperor Louis with pleas for help. The emperor sent two counts to Godfred's sons to investigate the matter, and the following year Godfred's sons sent envoys to the emperor to plea for peace. Harald was baptized in 826 and on that occasion he was enfeoffed with a north Frisian county, but the following year he lost his share in the governance of the land of the Danes and was forced to leave it. That year, 827, the annals for the first time mention one of Godfred's sons by the name, Hårik.²¹ The *Annales regni Francorum* ends in 829 but were continued by the *Annales Bertiniani*.

21 *Annales regni Francorum, Ausgewählte Quellen zur deutschen Geschichte des Mittelalters*, vol. 5 (Darmstadt 1955; repr. 1968), p. 148.

The earliest information about the kings of the Danes in the *Annales Bertiniani* is recorded for the year 836, when Hårik sent envoys to Louis the Pious's court. After 827 there is no information about King Godfred's other sons in the annals. In turn, Hårik is referred to several times as king of the Danes. Thus, Hårik appears to have been sole king until 850, when he was forced to share power with his two nephews. Once again, in 854 the *Annales Bertiniani* reports infighting between the Danes and in this strife Hårik was killed together with other kings and almost all the magnates (*nobilitas*).²²

In the meantime, Emperor Louis the Pious had died and in the subsequent fight between his sons, Louis, Charles the Bald, and Lothar, the displaced Danish King Harald took the side of the latter in 841. Nine years later, it is reported that his nephew, Rurik, betrayed the emperor and united the Northmen in an attack up the River Rhine. Shortly after, in 852, Harald's son, Godfred, likewise left the emperor and joined his fellow countrymen and made an attack on Frisia. In 855, Rurik and Godfred joined forces and returned to their homeland, Denmark ("patriam, id est Daniam"), where they tried in vain to win the Crown.²³ According to the *Annales Fuldenses*, Rurik was more successful in 857 when he with his lord, King Lothar's approval commanded a fleet to the land of the Danes. Here, with the Danish King Hårek's consent, he took the land between the River Eider and the sea into his possession.²⁴ According to *Annales Xantenses*, the Northmen had elected Hårek as king the previous year; the new king being related to the former by the same name.²⁵ King Hårek's existence can be verified by two papal letters. The letters suggest that Hårek approached King Louis II and Pope Nicholas with a desire to get closer to the Christian faith and the great empire to the south.²⁶ In *Annales Fuldenses*, the entry for 873, Sigfred is mentioned as being the king of the Danes. The annals report that King Sigfred sent envoys to ensure the border between the Danes and the Saxons.²⁷ Sigfred was also commanding Northmen's raids in France and Frisia. In 886, the Northmen ravaged Rouen and sailed up to Paris and besieged the city, apparently under the command of the Danes' King Sigfred, who Bishop Gauzlin approached in an attempt to save the city in 886. The following spring, Sigfred was killed when he

22 *Annales Bertiniani*, ed. Reinhold Rau (Berlin, 1958), pp. 30, 36, 48, 66, 70, 76, 88.

23 *Ibid.* pp. 54, 76, 82, 88.

24 *Annales Fuldenses*, ed. Reinhold Rau (Berlin, 1960), p. 50.

25 *Annales Xantenses*, ed. Reinhold Rau (Berlin, 1958), p. 352.

26 *DD*, I.1, nos 117, 118.

27 *Annales Fuldenses*, p. 88.

returned to Frisia.²⁸ This is the last information in the Frankish annals of kings ruling the land of the Danes north of Saxony.

Henceforth we only read about ninth-century Danish kings in Frisia. After their failed expedition to Denmark in 855, Rurik and Godfred conquered most of Frisia, according to the *Annales Bertiniani*. According to the *Annales Fuldenses*, Rurik was, together with his brother Harald, already enfeoffed with Dorestad in 850. In 882, Godfred was baptized, or rather re-baptized, and he took over Frisia as fief from Harald.²⁹ Godfred is called king of the Danes by the *Annales Vedastini* at the time he killed the East Frankish king Louis's son, Hugo, in 880, and he is again named as king together with Sigfred by the *Annales Fuldenses* in 882. According to *Reginonis chronica*, the Northmen's kings Sigfred and Godfred settled in Frisia in 881, and the following year Godfred accepted baptism on the condition that he was given Frisia as a royal fief, and Lothar's daughter in marriage.³⁰ Sigfred also seemed to have shown fidelity to Christianity and the emperor. He was described by the *Annales Vedastini* as "the Christian Dane, loyal to the emperor and a grandchild of the Dane Herorici".³¹ The identity of Herorici is unknown, but it could be Rurik. Sigfred was killed in 887 when he returned to Frisia after having raided in France. Godfred appears to have been vassal of Frisia until he was killed in 885, because he broke his oath to the emperor and the Christian faith.³² *Annales Fuldenses* gives an account of a battle in 891 in which the two Northmen's kings, Sigfred and Godfred, were killed. These Northman kings could hardly be identical with the above-mentioned Sigfred and Godfred, since they were killed in 887 and 885 respectively.

As seen from the above, information about the Danish royal genealogy in the ninth century in the Frankish annals can be rather confusing and sometimes contradictory. The annals are interdependent and "borrow" from each other and they are, as mentioned previously, written at a distance in time from the events; they are later constructions of events and actions. Their grip on the Northmen's organization of power, titles, and royal genealogy is inconsistent. In the present context, it is a particular problem that it is difficult to find out what they mean by the concept "king". In spite of these difficulties, an attempt will follow to summarize a Danish royal genealogy of the ninth century.

28 *Annales Vedastini*, ed. Reinhold Rau (Berlin, 1958), pp. 310, 314.

29 *Annales Bertiniani*, pp. 90, 284; *Annales Fuldenses*, p. 38; *Annales Vedastini*, p. 302.

30 Regino of Prüm, *Reginonis chronica*, ed. Reinhold Rau (Berlin, 1960), pp. 260, 264.

31 *Ibid.* p. 304.

32 *Ibid.* pp. 296, 308; *Annales Fuldenses*, pp. 124, 132.

King Sigfred is mentioned in 782 and 798, while King Godfred appears in several entries from 804 until he was killed. No family ties are indicated between these two kings while Godfred's successor was his brother's son, Hemming, who shortly after, in 812, was followed on the throne by the two brothers, Harald and Reginfred, who were related to one King Harald, who was perhaps king simultaneously with Sigfred and/or Godfred. The sons of the latter usurped royal power in 813 or 815, and one of them was named Hårik. He seems to have been king for about forty years, until he was killed in combat in 854 together with other Danish kings. It was, indeed, an extraordinarily long reign at that time. We have no further information about Hårik's brothers as kings, but supported by the emperor the brother of the murdered Reginfred, Harald, shared royal power with Godfred's sons from 819 to 827. In 857 and 864, a second Hårik is mentioned as king of the land of the Danes north of Saxony. Reportedly, he was related to the former King Hårik. His kingship can be verified by two papal letters. One Sigfred is mentioned as a Danish king in the territory north of Saxony in 874. This is the last information about a Danish king ruling the land north of Saxony in the Frankish annals. Later information affiliates Sigfred with Frisia as his base camp for the raids in northwest Europe. His grandfather was an unknown Dane, Herorici. Godfred is also mentioned as a Danish king of Frisia. He was the displaced Danish king Harald's son. Both Sigfred and Godfred had complex and contradictory relations to Christianity and the emperor. Godfred was killed in 885 after having broken with the emperor and with Christianity, while Sigfred was killed in 887 after a raid into France. In conclusion, the Frankish annals provide a basis to construct a royal Danish genealogy, centred on family relationships. At times, there was more than one king, there are several fights for the Crown, but it is hard to decide which territories the kings ruled. Some of the Danish kings were based in Frisia. Although family relations of all the Danish kings are not accounted for, the kings in general seem to have been members of a rather narrow circle of powerful families. Whether lineage was the important determinant of power configuration among the Northmen in the ninth century, a reflection of the power structure of the Franks, or the ideal of the ecclesiastical writers of annals cannot be decided. Anyhow, the Frankish annals provided material for later constructions of royal Danish genealogies. The following will show how much they were utilized by posterity.

The German Mission Chronicles

Some two hundred years later, the Frankish annals and Rimbart's *vita* of the missionary Ansgar, particularly the first, were the main written sources upon which Adam of Bremen depicted the power relations among "the Northmen wild tribes" north of the Saxony in the ninth century. Adam's *Historia Hamma-*

burgensis ecclesiae gives a simplified repetition of the rather complex Danish royal genealogy found in the sometimes contradictory Frankish annals.³³ This secondary report is not important in this respect. In contrast, his genealogical account of the Danish kings in the tenth century up to and including his own time (c. 1040–1081) is extremely important because it is our main source, and the only source we have concerning several pieces of information. After the termination of the Frankish annals, Adam argues that he has sound information “in various reliable books” and in “what the Danes famous king [Sven Magnus, 1047–1074] on request has told” him. “From the reliable Danish King Sven’s mouth I, once I asked him to list his ancestors, heard the following”: after King Arnulf had wiped out “the Northmen or Danes”, probably in the battle at Löwen in 891, he ruled Heiligo. He was followed by the Swede, Olaph, who took the kingdom by force and had many sons, of whom Chnub and Gurd took power by force after their father’s death. A little further into the chronicle, Adam states that the Swede, Olaph, ruled together with his sons and later Sigerich took over the regime, but soon after Hardegon came from the Northmen’s country and took away the throne from Sigerich. To Adam it seems “unclear whether these many Danish kings or rather tyrants reigned simultaneously or whether they ruled in quick succession. It is sufficient to know that they were all still pagans”.³⁴

The continuation of the Danish royal genealogy is allegedly based on information given to Adam by a “wise Danish bishop”, according to whom Gorm (Vurm) ruled after Hardacnudd. He was very hostile to the Christians and tried to “wipe out Christianity among the Danes and expel priests from the country”. Hence Henry, the pious German king, invaded the country and forced Gorm to comply with his orders and beg for peace.³⁵ After this, King Sven Magnus appears to be the source of the following events and it is probable that he was Adam’s main genealogical source right up to his own reign. Here, it should be inserted that Adam claimed King Sven Magnus to be a “credible” witness and that they talked man to man in Bremen, where Adam went to King Sven and “was—like everyone else—very kindly received. From him, I have a lot of the information that I have collected in this book”, writes Adam.³⁶ Whether this is true is impossible to say, neither is it possible to decide whether King Sven

33 AB 1.14–15, 1.25, 1.28, 1.37, 1.39.

34 Ibid. 1.47, 52. A “Chnuba, rex Danorum” is mentioned by Widukind in his *Res gestae Saxonicae* from the late 960s. Widukind of Corvey, *Widukindi Monachi Corbeiensis rerum gestarum Saxonicarum* 1.40, eds G. Waitz and K.A. Kehr (Hannover, 1935), 59.

35 AB 1.55, 1.57.

36 Ibid. 2.23, 3.23, 3.55.

Magnus in general actually was one of Adam's prime sources. One must not forget that eyewitness reports in medieval historiography were valued highly as a marker of reliability. The credibility in Adam's reports regarding the situation in the North and the Danish royal genealogy was also strengthened because it was none other than the illustrious Danish king Sven Magnus who was his witness. These considerations do not change the fact that the Danish kings from Gorm until King Sven Magnus can be verified by other sources, some of them even by charters. It should also be taken into consideration that if the genealogy that we find in Adam's work is to be believed, Gorm was Sven Magnus's great-grandfather, and it is indeed likely that Sven had knowledge of a royal lineage that far back in time whether or not they were family. On the other hand, Sven may well have been doubtful of the state of affairs before the time of Gorm. That is perhaps the reason why Adam's account of the kings before Gorm and down to the time where the Frankish annals end is somewhat uncertain. One thing seems certain, however. It was in their common interest to present a royal Danish genealogy, because the reportedly Christian king Sven Magnus was undoubtedly affected by this mindset, which for Adam was self-evident.

The list of the Danish royal line, where Adam of Bremen argues that a son would follow his father on the throne, namely Gorm, Harald Bluetooth, Sven Forkbeard, and Cnut the Great, can only partly be confirmed by other contemporary or older sources. This dynastic list of succession of Danish rulers was interrupted by Adam himself, when he reports the incident when the Swedish king Heric ousted Sven and won the land of the Danes.³⁷ The two famous runic stones at Jelling in eastern Jutland confirm the existence of Gorm and his son and successor Harald, later known as Bluetooth. The runic stones at Jelling are spectacular examples of a memorial tradition that can be traced back to the eighth century and only died out in the twelfth century, when it was taken over by donations to the church and memorial Masses at the anniversary of the deceased.³⁸ The manuscript of the *Anglo-Saxon Chronicle*, which ends in 1066, likewise confirms that Sven, later known as Forkbeard, was the father of Cnut the Great.³⁹ On the other hand, we only have much later narratives to confirm Adam of Bremen's words that Harald Bluetooth was Sven Forkbeard's father. Neither bishop Thietmar of Merseburg, who wrote his chronicle between 1012 and 1018, nor Widukind of Corvey's chronicle from the 960s mention that

37 Ibid. 2. 29, 30.

38 Fjord, *Memorialkultur i dansk middelalder, ca. 700–1250*, 2005.

39 *The Anglo-Saxon Chronicle*, p. 92.

Harald had a son named Sven.⁴⁰ The former refers to Sven as a destroyer, not a ruler, and Sven was probably a small child when Widukind wrote the chronicle. A lot of charters are preserved from Cnut the Great's reign in Christian England, but he only takes credit for being king of Denmark in a few of them, as argued in the previous chapter, *A speculum regale*.

Cnut the Great arranged his succession by dividing his kingdom between his sons Hardacnut, Sven, and Harald, so that the latter was king of the Danes. But the Norwegian king Magnus took power in Denmark from Harald, after which Hardacnut let his relative, Sven Magnus, take a fleet to reconquer Denmark. The project failed, but Sven Magnus later conquered Denmark. The question now is how was Sven Magnus related to Hardacnut? Adam referred to Harald Bluetooth as the maternal great-grandfather of Sven Magnus. The first time Adam explains this connection, we hear that Sven Forkbeard's son, Cnut the Great, gave his sister Estrid to a Russian prince in marriage. Another of his sisters, Margareta, Cnut gave to a Count Richard, who later divorced her. Subsequently Margareta was given to Duke Ulf of England, perhaps identical with Earl Jarl who appears as witness in two of the many charters issued by King Cnut the Great.⁴¹ Further on in Adam's work, the story is repeated in a skolon with the significant addition that the duke and Cnut's sister had two sons, Duke Bern and King Sven.⁴² It is not confirmed by other contemporary sources that King Sven Magnus was Ulf and Margareta's son or that Cnut the Great was Sven Magnus's uncle. We only have this information from Adam of Bremen, who probably had it from one of his alleged main sources, namely Sven Magnus.

Adam of Bremen's list of Danish kings makes no royal dynasty based on unbroken blood relations from the ninth century up to his own time. Despite his efforts to build the chronicle on written sources and oral testimony, as he is diligent to disclose, and to assess credibility, we do not even know for sure if his informant, King Sven Magnus, was of Gorm's family. We have no contemporary information determining Harald Bluetooth's paternity of Sven Forkbeard and no reliable information that Sven Magnus was chosen or inaugurated by his predecessor and alleged uncle, Cnut the Great. Adam of Bremen reports that Sven Magnus, after living as a pirate, usurped power in Denmark by brute force. According to Adam of Bremen, King Sven Magnus himself tried to ensure succession, when he sent his bastard son, "who was called Magnus, to Rome, in order to be inaugurated as king", but "the poor boy died on the journey".

40 Widukind; Thietmar of Merseburg, *Thietmar von Merseburg Chronik*, ed. Werner Trillmich (Darmstadt, 1970).

41 *DD*, 1.2, nos 402, 408.

42 *AB* 2.28, 2.54, 3.14.

The value of this statement is questionable, because Adam saw this unhappy fate as God's punishment for King Sven's promiscuity.⁴³ Nevertheless, it is more certain that King Sven Magnus founded a royal dynasty, rather than being born into one, and that all medieval chronicles and hagiographies dealing with the subject agree upon this. More important is the fact that King Sven Magnus's dynasty can be verified by charters. Whether Sven had a familial relationship with Gorm or not, it is remarkable because the connection is tied through his mother. It was previously mentioned that it has been argued that this "trick" later became common in the French aristocracy, where patrilineal genealogy had prevailed. That people in Denmark apparently found the female line legitimate might have to do with women's relatively strong social position in the Nordic societies before and in the aftermath of Christianity's major breakthrough. It is perhaps a reflection of a clash between the traditional bilineal, horizontal view and the new patrilineal view on kinship in this period. It is not unique to find Danish men attached to their maternal ancestry in the eleventh and twelfth centuries. The powerful Zealand magnate Peder Bodilsen is a well-known example.⁴⁴ If this assumption is correct, it might prove that Sven Magnus actually was the source of Adam's narrative about Sven Magnus being affiliated to Gorm's dynasty through his mother. Adam of Bremen would hardly have made up such a story by himself. On the other hand, another cleric, the author of *Chronicon Roskildense*, had no objections to accepting, or perhaps even constructing, the maternal succession of kings.

Danish Historical Writing

The earliest historical narrative written on Danish soil does not illuminate King Sven Magnus's family background. The anonymous hagiography of King Cnut the Holy, *Passio St Kanuti regis & martyris*, is by all accounts written by a foreigner between 1096 and 1097 in support of King Eric's plea to the pope for his brother and predecessor Cnut to be canonized.⁴⁵ Like the approximately twenty-five years younger, more comprehensive and detailed saint's *vita* of St Cnut written by the English cleric Ælnoth, who lived at Odense, the anonymous hagiography puts great emphasis on descent. It states that Cnut was of a royal lineage which excelled in the Christian faith. Ælnoth provides further specifics about this point by telling that King Sven Magnus's sons, Cnut the Holy in particular, inherited their father's power and wisdom and that Cnut, being

43 Ibid. 3.21.

44 *DD*, 1.2, nos 64, 65, 84; *Chronicon Roskildense*, pp. 26, 32.

45 *Danske Helgeners Levned*, trans. Hans Olrik (Copenhagen, 1894; repr. 1968), pp. 5, 18.

advised by his good men, chose a noble wife of imperial lineage.⁴⁶ The two hagiographies agree that Cnut the Holy's father was King Sven Magnus. Before he came to power he was ousted by his brothers but with God's help he was chosen king later, according to the anonymous *Passio*.⁴⁷ Ælnoth confirmed Adam of Bremen's information that Magnus, the son of the Norwegian king Olaf the Holy, was king in Denmark before King Sven Magnus and adds to *Passio*'s account that King Sven Magnus's son Harald Hen was preferred and chosen by the people after the death of his father. Harald died only six years after, and only then Cnut was made king.⁴⁸

King Cnut the Holy was killed later in front of the altar in St Albans church in Odense in 1086 as the climax of a rebellion against him. His brother Benedict stood by his side and was killed, while his brother Olaf had committed treason or Cnut the Holy had sent him away to Flanders. Olaf was, against God's will, the murdered king's successor to the throne. Olaf's reign was short, and subsequently his excellent brother Eric Ejegod was elected by the army and was, through the help of God and the people, given undivided rule over the kingdom.⁴⁹ Earlier in Ælnoth's hagiography it was mentioned that Cnut the Holy, at the time when he was persecuted by the rebels, marched against Odense with his brother Eric, who later became an illustrious king.⁵⁰ After Eric was crowned, Ælnoth told in detail about how this excellent king, to the benefit of the realm (*publica*), was the initiator of the canonization of his brother Cnut the Holy. Furthermore, Ælnoth held King Nils, to whom the hagiography is addressed, to be St Cnut's precious, carnal brother.⁵¹

Overall, the two hagiographies of St Cnut establish a royal genealogy beginning with King Sven Magnus followed by his sons in this order; Harald, St Cnut the Holy, Olaf, Eric, and Nils. They do not specify that King Sven Magnus was linked to Gorm the Old's dynasty, as Adam of Bremen had. The hagiographies do not provide any information on King Sven Magnus's possible relation to Gorm the Old via his mother and her father, Sven Forkbeard, as we saw in Adam of Bremen's chronicle. On the other hand, the anonymous *passiones* agree with Adam of Bremen, that the Norwegian Magnus was king of Denmark before Sven Magnus came to power and founded a lineage of five brothers succeeding each other on the Danish throne.

46 *Passio*, p. 317; Ælnoth, ed. Langebek, pp. 340, 342, 344.

47 *Passio*, p. 318.

48 Ælnoth, pp. 332, 340–342.

49 Ibid. pp. 376–381; *Passio*, p. 320.

50 Ælnoth, p. 363.

51 Ibid. pp. 328, 381 ff.

The first real history of Denmark, *Chronicon Roskildense*, agrees that a foreigner was king of Denmark before Sven Magnus and that Sven Magnus only came to power after the Norwegian, Magnus, had died. In the chronicles and annals examined so far, it was not controversial at all that a foreigner could be king of Denmark or that a foreign king helped a Danish pretender to the throne. Thus, according to *Chronicon Roskildense*, Sven Magnus only conquered Denmark with the support of the Swedish king. The chronicle gives a rather confusing picture, in fact two conflicting genealogical accounts of the succession of Gorm, Harald, and Sven in which it introduces the bynames of the two last mentioned—Harald Bluetooth (*Blatan*) and Sven Forkbeard (*Tyuvskeg*). In the first of these genealogies, Sven Forkbeard is presented as a Norwegian renegade. The second version follows Adam of Bremen's description of the case, except King Gorm's realm is now located on Zealand.⁵² It is no wonder that Gorm's kingdom is located on Zealand by the author of *Chronicon Roskildense*. He was presumably a canon at the cathedral in Roskilde and he clearly wrote the chronicle from a Zealandic point of view. His presentation of the two different versions of the story about the lineage of Gorm, Harald Bluetooth, and Sven Forkbeard might be rooted in the fact that he had conflicting sources, and that he tried to mediate them. Whatever the case is, his attempt was not successful.

The same applies to his enumeration of the many kings before Gorm: "there were many kings in Denmark ... two in Jutland, a third on Funen, a fourth on Zealand, a fifth in Scania—sometimes there were two in all of Denmark, sometimes only one in all of Denmark". The first Danish king mentioned in the chronicle is Harald Klak who was baptized in Mainz, the next was his brother Eric (Horic). When he was killed by the Frankish king Charles, Eric Barn (Horic II) succeeded him. The chronicler was not certain whether the two Erics were father and son. When Eric Barn died, he was followed by Frode. All these kings were baptized right after they were made kings and associated one way or another with the Frankish kings, according to the chronicle.⁵³ Harald Bluetooth was also a believer, while the Christian faith prevailed less with his father and brother, but Sven Forkbeard, after he had been taken prisoner by the Wends three times, finally learned to know God and began to search for Him and believe in Him.⁵⁴

While the chronicle gives a vague description of the royal order of succession and the kings up to Sven Forkbeard, it is differently clear when it comes to the

⁵² *Chronicon Roskildense*, pp. 17–19, 23.

⁵³ *Ibid.* pp. 14–17.

⁵⁴ *Ibid.* p. 19.

royal line from Sven Forkbeard's son, Cnut the Great, and up to the time of the chronicler. Sven Forkbeard died shortly after he had conquered England, and his son Cnut the Great fled England, was baptized in Bremen by the archbishop, and returned to Denmark. However, Cnut went back, conquered England and married the defeated English king's wife, Emma. Cnut the Great had a son, Hardacnut, with Emma and two sons outside wedlock, Sven and Harald. After Cnut had passed away, his three sons took the power; Hardacnut in Denmark, Harald in England, and Sven in Norway. Through the death of his two half-brothers Hardacnut took control of England, while the Norwegian Magnus was elected king by his Danish countrymen. Subsequently they made the agreement that he who lived longest should be king of both Denmark and Norway. Soon after, Hardacnut died and Magnus headed for Denmark with a great military force to take his claim, but he was met by Cnut the Great's nephew, Sven Magnus.

We recall that Adam of Bremen with the very same Sven Magnus as his source was somewhat uncertain about Cnut the Great's sisters, and which of them was the mother of Sven Magnus. These entanglements are beautifully clarified in the *Chronicon Roskildense*. The author has no doubt. After a failed arranged marriage, Cnut's sister, Estrid, was married to *duci* Jarl without Cnut's consent. This marriage was unacceptable for Cnut, and according to the chronicle, he had Ulf killed in the church of Roskilde. However, before this tragic event Estrid and Ulf had two sons, Bern and Sven. The latter was that Sven Magnus who confronted the Norwegian King Magnus when he came to make his claim on Denmark, according to his agreement with Sven Magnus's cousin Hardacnut. At the first encounter Sven Magnus lost and had to flee, but Magnus died and Sven Magnus was able to return home to be elected king in all the three parts of the country: Zealand, Funen, and Jutland.⁵⁵ Soon after he is named in the *Annales Lundenses* as "Sven filius Æstrid", later Saxo calls him "Sueno Estrithe filius" and in a manuscript from around 1300 the *Annales Ryenses* called him Sven Estrithsen, as he generally is called today.⁵⁶ In *Chronicon Roskildense* he is called Sven Magnus.

So far, the most remarkable thing about the genealogy found in the *Chronicon Roskildense* is that it links the royal family from Gorm to Sven Magnus to Zealand and the church in Roskilde, which is the ecclesiastical centre of this island. Adam of Bremen's or perhaps his source's, King Sven Magnus,

55 Ibid. pp. 19–23.

56 *Annales Lundenses*, p. 52; Saxo 10.21.1; *Annales Ryenses*, pp. 162, 193; Nils Hybel, "Den såkaldte Svend Estridsens kongemagt", in *Svend Estridsen*, eds Lasse Sonne and Sarah Croix (Odense, 2016), pp. 178–183.

attempt to do the same was not convincing. Adam told that King Harald Bluetooth was buried in the church in Roskilde that he had built. The *Chronicon Roskildense* goes further when it places Gorm's kingdom on Zealand. In addition, it connects the church in Roskilde to the royal family by telling that King Sven Magnus's mother, Estrid, not only built a church of stone in Roskilde but also donated fifty mansi of land to the church. In King Sven Magnus's reign, the church was almost built from the ground under the supervision of Bishop Sven. And when the great King Sven Magnus died in 1074 he had an honourable burial in Roskilde.⁵⁷ The burial of King Sven Magnus in Roskilde is confirmed by *Liber daticus Roskildensis*. His death is actually the first recorded in the book.⁵⁸ In conclusion, it can be said that *Chronicon Roskildense* strengthened the earlier attempts made by King Sven Magnus and Adam of Bremen to place the stronghold of the royal dynasty on Zealand, even though the chronicle did not exactly affirm King Sven Magnus and his sons' descent from a dynasty founded by Gorm the Old. When the chronicle was written in the late 1130s, descendants of the great King Sven Magnus were still on the throne. Obviously it was in their interest to prove their common genealogy as far back in time as possible, and the *Chronicon Roskildense* presented it rather plainly down to Sven Forkbeard. It was by no means bad for the church in Roskilde to have this great, royal family as allies.

The glorious Danish King Sven Magnus was followed by his son, Harald Hen. He was the fourth Harald to be king in Denmark. "The first Harald (Klak) was he who baptized at Mainz, the second was Harald Bluetooth, the third was Harald, the son of Gorm ..." ⁵⁹ It is perhaps hard to understand that the second and third Harald were not one and the same, but the chronicle operates with two stories about the relationship between Gorm and Harald, and only in the first of them Harald has the byname Bluetooth. The Harald succeeding King Sven Magnus reigned for only seven years. He was followed on the throne by Cnut the Holy, and when he found his martyrdom in 1086 in front of the altar of St Alban's church in Odense, the magnates of the realm made his brother Olaf "king and coregent of all Denmark" according to the chronicle. After nine years of famine, his good brother Eric Ejegod followed Olaf on the throne, but unfortunately he died on his pilgrimage to Jerusalem in 1103. "When the Danes learned about his death they made his brother Nils king, a gentle and ordinary man but not a ruler at all ... In his days there were large prosecutions of clergy and the people", but

57 Ibid. pp. 21, 23.

58 *Liber daticus Roskildensis* (Copenhagen, 1933).

59 *Chronicon Roskildense*, p. 23.

fortunately the church found a valiant defender in the Zealand magnate, Peder Bodilsen.⁶⁰ All the same, King Nils's reign was relatively protracted from 1104 to 1134, when he was murdered by townsmen of Schleswig.⁶¹

In 1131, King Nils's son, Magnus, had killed the good king Eric's son, Cnut Lavard, the duke of Schleswig and vassal of the German king Lothar. This murder provoked a rising organized by the victim's half-brothers Harald Kesje and Eric Emune supported by the German king. In the most spectacular of the encounters between the conflicting parties, the Battle at Fodevig in 1134, Magnus was killed. Subsequently King Nils went to Jutland where he handed over half of the kingdom to Harald Kesje. As a consequence, when Nils had later been killed by the Schleswig townsmen, Eric Emune rewarded them and pursued his brother, King Harald Kesje, in Jutland and killed him.⁶² King Eric Emune was vain and the way he died was appropriate for him. He was killed at a thing near Ribe by a short ugly man called "Plouh". All the same, the magnates of the land agreed to make the deceased Eric Emune's nephew, the third Eric (Lam), king. Actually he was son of the sister to the first Eric, the good king Eric Ejegod. This is another example of how the maternal line of the royal dynasty was considered legitimate. In the eyes of the chronicler, the third Eric (Lam) was no less a scandal for the royal office than the first Eric had been, and the chronicle ends with the venerable Peder Bodilsen's clever and cunning resolution of the dispute regarding the election of the archbishop, with the result that Bishop Eskil of Roskilde was elected as new archbishop.⁶³

Peder Bodilsen and his brothers are certainly considered to be the strongest political party on Zealand. The chronicler, who was contemporary with the kings Nils, Eric Emune, and Eric Lam, did not portray these rulers with great sympathy, on the contrary. Kings Nils is depicted as a weak and unqualified king, and Eric Emune, who defeated him, is said to be a vain man. Eric Lam seems to have been more or less a character like Nils "a man who was more mundane than befitted the royal dignity, and in all his ways without firmness and ambiguity—destructive of the monarchy and clergy". Peder Bodilsen was quite different. Shortly before the First and Second Lateran Councils in 1123 and 1139 introduced the requirement of clerical celibacy, Pope Paschal II sent a letter to King Nils reminding him about his royal duties particularly in respect to the church. Paschal found that one of the king's obligations was to support the

60 Ibid. pp. 23–26.

61 Ibid. pp. 29–30.

62 Ibid. pp. 29–30.

63 Ibid. pp. 31–32.

bishop's enforcement of the clerics' chastity.⁶⁴ If *Chronicon Roskildense* can be trusted, King Nils was not of much use in that respect. Simultaneously with the First Lateran Council, Peder Bodilsen brought a lawsuit against the clergy on advice and encouragement from his chaplain, Nothold, who later became bishop of Ribe. Bodilsen implied that those who had wives had to send them away, and those that had none could never take a wife. The chronicler believes that Peder Bodilsen forced this right. Unlike King Nils, Peder Bodilsen apparently had the power and willingness to support the church on this important issue.⁶⁵

The reason why the chronicler, in spite of the previously observed inconsistency, tries to sort out the royal genealogical entanglements and produce a direct line of blood-related kings of Denmark from the early tenth century to his own time in the late 1130s, was not just because he and the church in Roskilde wanted to maintain friendly relations with the royal family as suggested above. His critical portraits of the contemporary kings do not seem suited to promote this goal. The genealogy that was constructed was probably just as much a methodical measure, presenting the history of Denmark with a temporal structure and meaning in a wider European context. In the twelfth century, it was indeed not a novelty to impose a structure on histories of both lay and ecclesiastical institutions by means of the order of succession of formal leaders; bishops, emperors, kings, etc. In those days, it was unthinkable to write a history of the lands of the Danish people without an order of royal succession providing the chronology. The author of the *Chronicon Roskildense* had the sources and ability to construct an unprecedented sequence of Danish kings, all related by blood. With this effort, he involuntary reinforced a monarchy, but it was hardly his intention to support the contemporary living kings. Monarchy may have been the only imaginable form of government and lists of rulers, lay or clerical, to him represented the backbone and chronology of history.

In the 1060s, Pope Alexander II wrote a letter to Sven Magnus, king of the Danes. This is the earliest preserved papal letter addressed to a Danish king. In the following years until his death, Pope Alexander II and subsequently Pope Gregory VII sent four letters to King Sven Magnus. After Sven Magnus died, Pope Gregory showed in letters to Sven's successor, Harald Hen, that he was aware that he was Sven's son. On the other hand, the pope evidently thought that Harald was called Hakon. In the title deed from 1085, Harald's brother

64 *DD*, 1.2., no. 41.

65 *Chronicon Roskildense*, p. 26.

and successor King Cnut the Holy calls himself Cnut quarto the son of King Magnus, i.e. King Sven Magnus. This is the first legal document in which a Danish king is put into a royal genealogical order. No charters mentioning King Olaf exist and only one mentioning Eric Ejegod's reign is handed down to us, but documents to and from Danish kings begin to accrue to us from King Nils and the subsequent two Eric's reigns, Eric Emune and Eric Lam. These two Eric's are in two charters named "Ericus Secundus" and "Ericus III", implicitly counting the second Eric's father and the third's grandfather to be the good King Eric, although no charter directly refers to them as blood relatives.⁶⁶ Still, the royal genealogy from King Sven Magnus and until the last of the Eric's, that is Eric Lam, mentioned by the canon at Roskilde in the late 1130, is pretty well substantiated by charters.

In contrast, the link between King Sven Magnus and his alleged grandfather Sven Forkbeard appears to be pretty dubious. The same can be said about Harald Bluetooth's paternity of Sven Forkbeard. Generally it must be said that the royal genealogy before Sven Magnus's time is somewhat uncertain and the further back in time we go the more uncertain it becomes. This pattern certainly has to do with the fact that even though memorial culture was part of paganism, there seems to have been no royal genealogical tradition among the Danes until Christianity was well established in the country. Whether it is because royal dynasties actually did not exist, we do not know, but theoretically it would have been possible to construct, and write down in runes, genealogies centuries before Christian clerics began their work in Denmark. People would hardly remember long monarchical lineages by heart. A sound conclusion seems to be that the tradition of constructing royal genealogies came to the land of Danes as an integral part of the western European, Christian ideology. Before that only foreign chroniclers abroad constructed and wrote about Danish royal dynasties.

Legendary Kings

At the mid-twelfth century, the tradition developed of including genealogies of prehistoric or legendary Danish kings, i.e. kings whose existence cannot be verified apart from the narrative sources. The earliest example of such a genealogy of legendary kings can be found in the so-called *Chronicon Lethrense*. It is an odd little chronicle exclusively concerned with legendary kings. The author of

66 DD, 1.2, nos 6, 7, 10, 11, 13, 17, 19, 20, 21, 24, 26, 32, 34, 35, 41, 42, 63, 65, 81.

Sigfred (mentioned 782, 789)
 Godfred († 810), Hemming († 812), Harald
 Sigfred († 812), Anulo († 812)
 Harald Klak (baptized in 826), Reginfred († 814), Godfred's sons,
 Hårik (one of Godfred's sons † 854)
 Rurik (857), Hårik (857–864)
 Sigfred († 887)
 Heiligo (c. 890)
 Olaf
 Chnob, Gurd
 Olaf, Sigerich, Hardegong
 Hardacnut
 Gorm
 Harald Bluetooth († c. 986)
 Sven Forkbeard (c. 986–1014)
 Cnut the Great (1018–1035)
 Hardacnut (1035–1042)
 Magnus (1042–1047)
 Sven Magnus (1047–1074)
 Harald Hen (1074–1080)
 Cnut the Holy (1086–1086)
 Olaf (1086–1095)
 Eric Ejegod (1095–1103)
 Nils (1104–1134)
 Eric Emune (1134–1137)
 Eric Lam (1137–1146)
 Sven Grathe (1147–1157) Cnut Magnussen (1147–1157)
 Valdemar I (1154/57–1182)
 Cnut VI (1182–1202)
 Valdemar II (1202–1241)
 Eric Plovpenning (1241–1250)
 Abel (1250–1252)
 Christopher I (1252–1259)
 Eric Glipping (1259–1286)
 Eric Menved (1286–121319)

CHART 1 *List of Danish kings and warlords*

the *Chronicon Lethrense* presumably was a clerk at the church in Roskilde. The chronicle includes local legends from the region around Roskilde, among others the legend of the origin of the town of Roskilde. The chronicler had access to the *Chronicon Roskildense* from which he copied various phrases and

adopted the typology of bad kings.⁶⁷ Thus, it was written after the *Chronicon Roskildense* and probably before Sven Aggesen wrote his *Brevis historia regum Dacie* around 1170.

The *Chronicon Lethrense* is marked by a number of highly important contemporary ideological and political issues of the time of its origin. In general, the same issues that Sven Aggesen's and Saxo Grammaticus's later, more elaborated works were influenced by. During most of the twelfth century the Danish kings were vassals of the German kings and emperors—see the chapter on *marca*, *feudum*, and sovereignty. A major concern of the author was therefore to stress the independence of the ancient Danish kingdom. “Denmark was never subdued by anyone except Lewis [Lodowico], who peacefully and in good understanding made the Danes accept Christianity after King Harald [Klak] was baptized in Mainz.”⁶⁸ However, the chronicler forgets that according to his own account of the line of Danish kings, the Swedish King Adisl installed the two terrible kings, the dog-king Rakke and the shepherd Snjo, as Danish rulers in the interim between the death of King Halfdan and until his nephew the great King Rolf Krake came of age. King Rakke and King Snjo appear to represent bad government due to foreign interference. On the other hand, according to the *Chronicon Lethrense* the origin of Denmark was strongly influenced by the Swedish king Ypper. He was contemporary with the biblical King David and controlled the lands that were later unified as the Danish kingdom. Ypper sent his son Dan to rule Zealand, Møn, Falster, and Lolland, and the inhabitants accepted him. When Emperor Augustus attacked Jutland, the Jutes called to Dan for help. The outcome of this coalition was victorious, and Dan became king of the Jutes who then helped him to conquer Funen and Scania. Dan assembled the magnates and asked them to give the country a name. They said “King, you live forever. You are King Dan, your realm shall be called Dania or Dacia.”⁶⁹ This tale appears to have been inspired by Jordanes. According to his *Getica* from the sixth century, the Danes were descended from Swedish blood—see the chapter on the realm.

The author of *Chronicon Lethrense* obviously confuses the chronology of biblical, Roman, Frankish, and German rulers in his attempt to accentuate the very old age of Denmark. He has a naive concept of history, and he does not succeed completely in his effort to construct an unbroken genealogy from the

67 *Chronicon Lethrense*, pp. 36–37; “Indledning”, *Krøniken om Lejrekongerne*, trans. by Jørgen Olrik (Copenhagen, 1900–1901).

68 *Chronicon Lethrense*, p. 44.

69 Ibid. p. 45.

“founding father”, Dan, to the last ruler mentioned in the chronicle, Queen Hethæ. The Danes took her as their queen, with the permission of the Swedish king Ring, after he had slain the Danish king Harald. Hethæ and Harald were not related by blood and neither was Harald blood-related to the ruling Danish queen Asa before him. The chronicler at least does not mention any family bonds between these rulers, in contrast to the line of rulers from Dan to Asa. In two cases though, kings of foreign origin were married into the royal family; Fridlef from the northern countries and Hjartvar of German origin. The latter was a dubious character; he stole the half-sister of the great King Rolf Krake and killed the king in an ambush. Thus, the chronicler was no stranger to female rulers and hereditary kingship by the female line.

The ambition of the author of the *Chronicon Lethrense* was to write down oral legends of heroes in a form that met the ideological and political issues of current interest in his time. The legends of these heroes were transformed into a tale about a line of Danish absolute monarchs linked by blood, presenting Denmark as a unified and independent kingdom of biblical age. The chronicler might have had an ethnological interest in tales and legends, but he hardly wrote them down as he heard them. What we do know is that he used tales and legends as material to produce a historical argument regarding Danish independence in the genealogical form which was common in the twelfth century, when Denmark, as a sovereign medieval kingdom, was under development.

A contemporary king-list mentions only nine pagan kings in the following order: Dan, Thrug, Harald, Ring, Snyo, Byorn, Frothe, Gorm, and Guthorm. Thus, it lists significantly fewer kings than *Chronicon Lethrense* and in quite a different order. In spite of these disagreements between the chronicle and the king-list, taken together they confirm the assumption that knowledge of various legendary figures was written down and recorded in genealogical order, although the king-list does not directly mention any kinship between the kings. Finally, it should be mentioned that the king-list is divided into pagan kings, old Christian kings, and modern Catholic kings. Harald Bluetooth is the first in the second category and Eric Emune the first of the modern Catholic kings.⁷⁰

In contrast, Sven Aggesen's short history of the kings of Denmark is very concerned about royal kinship. Unlike the *Chronicon Lethrense* and like the king-list just mentioned, the pagan kings are enumerated before the historic Christian kings. Sven Aggesen's work differs methodologically from the ethno-

70 *Catalogus regum Danie*, ed. M.Cl. Gerz (Copenhagen 1917–1918; repr. Copenhagen, 1970), pp. 159–160.

logical character of *Chronicon Lethrense*. Aggesen stated that the aim of his work was to fill the void in the literature on the achievements of the Danish kings. Because it was the right time to do so, before the famous Danish kings would be forgotten, he only gave an abbreviated account of what he had been able to establish by questioning the elders and the ancient sources because “an account that cannot be substantiated is always suspicious”, Aggesen made clear with reference to Martianus Capella.⁷¹ Aggesen thus reflected on the objectives and methodology of his work in the introduction, and the methodological considerations continue throughout his work. He wanted to perpetuate trustworthy heroic narratives in a form corresponding to his own time.

He finds reliable information for the first Danish king Skjold, and his descendants down to Ingiald. In the Icelandic sagas, these kings are called *Skjoldunger*, according to Aggesen. It is a line of thirteen kings where the sons follow their fathers on the throne. After Ingiald this tradition was broken for many years. During this period, the royal office was passed onto grandsons or nephews, but they were all of royal descent, Aggesen argues.⁷² The maternal line was legitimate for succession. A point which was made absolutely clear when Aggesen accounted for the incident when Regner Lothbrogh's son, Sighwarth, invaded the Kingdom of Denmark, killed the king, and took the slain king's daughter to bed. The result was a son, whom they named Cnut “and he was the only one of the royal line after the above mentioned Frothi”. Sighwarth was an invader who got the kingdom of Denmark by force, not by legal right of inheritance. However, by marrying the daughter of the slain Danish king, their son became legitimate king by inheritance being a member of the royal family. The name of this slain king is unknown, as Aggesen only has reliable information about one king from the interim during which sons did not succeed their fathers on the throne. This king was named Olaf, and he subdued all the countries down to and across the River Danube. While Cnut was a boy, a magnate (*bondo*) from Zealand acted as regent of the kingdom. When Cnut had grown up he became king and had a son called Snio—the same name as the giant's shepherd Snjo from the island of Læsø, who was made a terrible king of Denmark by the Swedish king, according to the *Chronicon Letherense*. Snio had a son, called Klak-Harald, who was later followed by his son, Gorm, according to Aggesen who thus linked the legendary and the historic kings.⁷³ Sven

71 Aggesen, *Brevis historia*, p. 95.

72 Ibid. pp. 96–107.

73 Ibid. pp. 106–109.

Aggesen does not address how the kingdom was united. He assumed that the Danish kingdom consisted of the same number of provinces from the beginning.

Neither Sven Aggesen, nor the author of *Chronicon Lethrense* seem to have had a principle. They spontaneously expressed attitudes which were presumably common for the Danish aristocracy in the twelfth century. Sven Aggesen was part of the political network that held the archiepiscopate in Lund, until Absalon and the political party supporting King Valdemar I took over when Archbishop Eskil died in 1181. Aggesen was a member of the highest aristocracy and expressed his own opinion. Even though he belonged to an opposition political faction, it is not surprising that Aggesen's view in general corresponded with the ideas of kingship in the circle around the Danish king, including the great age of the royal family and the hostile attitude towards the great German neighbour to the south.⁷⁴

In contrast to Sven Aggesen's political affiliation, Saxo Grammaticus was the royal wing's man. King Valdemar I's sworn brother and close associate, Archbishop Absalon, instructed Saxo to write *Gesta Danorum*. This is the first thing Saxo mentions in the *praefatio* of the work begun before 1190, and completed sometime after 1208. According to Saxo, his father and grandfather were King Valdemar I's retainers. Saxo was presumably a cleric. Maybe he was that *clericus* mentioned in Absalon's testament from 1201 and identical with the Saxo, canon at the cathedral in Lund, who witnessed one of Absalon's letters. His mastery of Latin and broad knowledge of classical Roman literature indicates that he obtained his training abroad, most likely in central or northern France.⁷⁵ Saxo refers to the Northmen's historian Dudo of Saint-Quentin, who mistakenly "tells that the Danes derived from *Danaerne*", and to "Beda, one of the most

74 The first instance of this animosity is in his report about the poor King Wermund the Wise. His son, Uffe, dumb because of two Danes' revenge killing of a Swede. "At that time it was a shameful disgrace if two men killed one, particularly in the eyes of the superstitious heathens", according to Aggesen. Therefore Wermund had to remain on the throne until he was old, blind, and exhausted. The German emperor took advantage of this by challenging Wermund to a duel for Denmark. Unexpectedly this made Uffe give a speech in which he challenged the emperor's son and his best warrior to combat. Of course Uffe won, and by this victory he saved the Danish kingdom and rectified the wrongs that had made him silent for thirty years. *Ibid.* pp. 98–104.

75 Karsten Friis-Jensen, *Saxo Grammaticus as Latin poet. Studies in the Verse Passages of the Gesta Danorum* (Rome, 1987), pp. 15ff.; Karsten Friis-Jensen, "Was Saxo Grammaticus a Canon of Lund?", in *Cahiers de l'Institut du moyen-âge grec et latin* (Copenhagen, 1989), pp. 323–330.

important theological authors".⁷⁶ Thus, Saxo was a learned insider of the highest Danish aristocracy, close to the king and the kingdom's highest ecclesiastical office.

Saxo based the earliest parts of his work on what he called a "kind of poetry", by which the ancient Danes purportedly expressed their worship of splendid heroism, complemented by Icelandic sagas. His main source is oral, heroic poetry supplemented by inscriptions on stones and rock. "These traces I have adhered to as if they were ancient books, and I have set out their views in a faithful translation ... My account is built on these texts, and as one can understand it is not something that is knitted together recently, but something that comes from ancient times."⁷⁷ Methodologically Saxo is a more advanced historian than Sven Aggesen. He presents many similar methodological considerations continuously through the work. His chronological and historical insight, on the other hand, is somewhat primitive, e.g. the Danish King Frode was married to the king of the Huns' daughter at the time our Saviour was born.⁷⁸ Likewise, he enumerates only some twenty-one Danish kings between the birth of Christ and the Danish king Godfred's confrontation with Charlemagne around 800.⁷⁹ If that was true, on average each king would have reigned for thirty-six years.

The geopolitical description of the Danish kingdom given in the preface corresponds to the territory of the kingdom in Saxo's time. Judging by his account of the period before the birth of Christ, the realm seems to have been largely of this extent since the days of the earliest kings, although he does not say so explicitly. The eleventh king in the line, Rørik, thus inserted the two earls of Jutland after their father. In the tale about the renowned King Frode, who as mentioned above reportedly lived at the time of Christ, Saxo mentions Jutland, the mainland, and Zealand, which was considered the finest in Frode's kingdom, as the provinces of the realm.⁸⁰ On various occasions Danish kings also conquered and ruled Sweden, Norway, and other countries. At a time after the birth of Christ wars and accidents had thinned out the Danish royal family to such an extent that only one member of the family was left, according to Saxo. The country was then divided between rulers elected by the people. Jutland was shared between two rulers and the rest of the provinces Funen,

76 Saxo 1.1.1; Saxo's reading of Dudo is, however, dubious. Dudo of St Quentin, *De moribus et actis primorum Normanniæ ducum*, ed. Jules Lair (Caen, 1865), pp. 130, 141.

77 Saxo, Praefatio, 1.3.

78 Ibid. 5.1.11, 5.3.23, 5.15.3.

79 Ibid. 5.15.3, 8.16.1–5.

80 Saxo, Praefatio, 2.1–5, 3.6.4. Cf. 4.2.1–2, 5.5.2, 5.16.3.

Zealand, and Scania had one ruler each. One generation later the realm was, however, reunited by the brave King Harald Hildetooth.⁸¹

The *Gesta Danorum* thus leaves the impression that the medieval Danish kingdom was united from the days of the first Danish kings. Saxo meant to know that the title of “king” was not used during the time of the first ruler. Dan was not only the first ancestor of the royal family, he was also the founder of the Danish people. Dan’s queen was the distinguished German woman, Grida.⁸² This means that the first female ancestor of the Danish royal family and the Danish people was German. This is remarkable, given that Saxo generally was quite averse to the Germans. Some ten descendants of the male line of Grida and Dan followed on the throne, before the famous legendary king Rolf Krake was murdered in an ambush by his sister and brother-in-law, Hjartvar. The latter only ruled for one day and was followed by Hørder, who was the son of the Swedish king, Hodbrod, and his right to the Crown followed a maternal line, because his grandmother was Svanhvide, a sister of King Rolf Krake’s great-grandfather.⁸³ As Saxo puts it, “Hørder had hereditary claim to the Danish Crown if one looked at the family tree”. In the absence of an heir of the male line, the female line was acceptable, but it was the exception.

Although Saxo does not explicitly state that a son followed his father on the throne in every case, this principle seems to be applicable over the next sixteen generations of Danish kings until King Halfdan. He died childless and passed on the Danish kingdom to the king of Götaland, Ungvin, whose family almost died out over the next four generations. The only remnant of the royal family was Gyrid, who married a brave man of the people, Halfdan, by whom she had the legendary Harald Hildetooth, who reunited the realm.⁸⁴ Harald was killed in the renowned *Bråvallaslag* and the realm fell apart. However, the Danes elected Harald’s nephew, Ømund, who also had claims on Norway and during the following generations of his successors’ reigns, the Danish kingdom was once again united.

Saxo gives a uniquely unfolded account on the Danish legendary kings. His assertion that all the Danish kings descended from King Dan is, however, not supported by a complete genealogy of kings related by blood. There are several gaps in it, and from time to time the kingdom was under foreign rule. The state of the kingdom fluctuated between good and bad kings, depending on their abilities to make internal peace and to protect and expand the kingdom

81 Ibid. 7.9.1, 7.10.4.

82 Ibid. 1.1.1–3.

83 Ibid. 2.7.1–28, 3.1.1, 3.3.1.

84 Ibid. 7.3.2–9.1, 7.9.20.

externally. The unity and stability of the realm was apparently dependent on the royal family to such an extent, that when the dynasty was about to die out the kingdom dissolved into regional kingdoms, and that the descendants of the at one point only remnant of the royal family, Gyrid, subsequently succeeded in reuniting the realm. Saxo considered the royal dynasty and realm an unbreakable unit. As we have seen in the preceding chapter on a *speculum regale*, Saxo presented his ideas of kingship throughout his entire line of Danish kings from Dan to Valdemar I. The same applies to a number of other issues, such as family and marriage, and to his morals and attitude to life in general.⁸⁵

The sources of legendary kings in the *Gesta Danorum* are in principle the same as for the *Chronicon Lethrense* and Sven Aggesen's short version of the story. Parts of the gallery of characters are repeated in the three chronicles, but Saxo's is much larger and the non-royal heroes occupy a prominent place in the *Gesta Danorum*. Still, the line of legendary kings is also the main objective in his work. Saxo used oral and perhaps partly written heroes' legends to stretch the Danish royal family's ancestors back thousands of years. He agrees with the *Chronicon Lethrense* in terms of the name of the founder of the kingdom, but according to Saxo Dan was a native, being the first ruler of the united Danish kingdom, while Dan in the *Chronicon Lethrense* was of Swedish origin and installed as ruler on Zealand by his father, and then subsequently united the realm. This twist of the story is not surprising, considering Saxo's national intentions. Sven Aggesen's version of the genesis of the realm followed an alternative tradition—the Germanic legend of *Skjoldungerne*. In the Old English epic *Beowulf*, probably from the tenth century, *Skjoldungerne* played an important role, and two of them, Rolf and Roar, might be identified in another Old English poem, *Widsith*, from the seventh or eighth century.⁸⁶ This legend is also incorporated in the work of Saxo at a later stage of his history of the dynasty. Aggesen argued that *Skjold* was the first man to rule over the Danes and claimed that the later kings were called *Skjoldunger* in Icelandic poetry. Thus, the Nordic tradition of the legend of *Skjoldungerne* is younger and more complex than the English. This heroic poetry was originally not family history. It was only made genealogical when it was incorporated into the Danish chronicles in the twelfth century and the Icelandic sagas from the thirteenth century.

85 Inge Skovgaard-Petersen, *Da Tidernes Herre var nær. Studier i Saxos historiesyn* (Copenhagen, 1987).

86 *Beowulf. Text and Translation*, trans. John Porter (1991; Chippenham 2000); *Widsith*, ed. Kemp Malone (Copenhagen, 1962), l. 45.

Various parts of the legend were included in a number of the Icelandic sagas and historical writings from c. 1220 to 1600. On the basis of linguistic analysis of eight very different sagas and historical writings, it is believed that a lost saga of the Skjoldunger can be more or less reconstructed. This saga is believed to have been written around 1200 and lost about 1600, and during this interval it was used by a number of authors. Whether this theory is durable or not is not important in our context. It is more important that one of the earliest claimed readers of the saga, Snorre Sturluson, refers in his *Edda* to a story about one of Odin's sons called Skjold from whom the Skjoldungerne were descended, and that Skjold lived in Denmark. Later versions of this story gave it a twist, perhaps inspired by Geoffrey Monmouth, which certainly would not have suited Saxo.⁸⁷ According to the manuscript *Upphaf allra frásagna* (the beginning of all stories) from the late fourteenth century, the Turks invaded the North. The leader of the Turks was Odin, the son of Thor. He made his sons chiefs in the Nordic countries. One of them was called Skjold, and he was installed in "the country, now called Denmark". In his late sixteenth-century *Rerum Danicarum fragmenta*, Arngrimur Jónsson explicitly contrasted Norwegian records with Saxo, and followed the former, thus making the earliest rulers of the Nordic countries of Asian origin.⁸⁸

If a saga of *Skjoldungerne* was written around 1200, it fitted nicely into the rising medieval genealogical tradition. If the theory of the lost saga is durable, the saga provided a genealogy of legendary Danish kings, and marked the beginning of the Icelandic sagas on the exploits and lines of kings other than the Norwegian. The Icelandic writers did not, of course, have the same national ambitions on behalf of the contemporary Danish kings as Saxo had. Arngrimur Jónsson even criticized Saxo's national view on the genesis of the Danish kingdom. All the same, the recording of the old oral heroes' legends was not undertaken solely out of ethnological interest. The heroes' legends were primarily written down due to an emerging genealogical tradition as a backward extension of the royal dynasty. This was clearly done in ideological support of royal government in the emerging, but still fragile, national Danish kingdom.

87 This does not mean that Saxo, and for that matter Aggesen and the anonymous author of *Chronicon Lethrense*, were not inspired by Monmouth. Most likely these Danish authors were influenced by European developments like Monmouth when including legendary kings in the Danish list of kings. See Lars Boje Mortensen, "The Status of the 'Mythical' Past in Nordic Latin Historiography, c. 1170–1220", in *Medieval Narratives between History and Fiction. From the Centre to the Periphery of Europe, c. 1100–1400*, eds Panagiotis A. Agapitos and Lars Boje Mortensen (Copenhagen, 2012), pp. 103–139.

88 *Skjoldungernes Saga*, ed. Claus Lund (Copenhagen, 1984), pp. 7–9, 43, 45, 47.

Historic Kings in Sources from c. 1140

The developing genealogical tradition in Denmark was also manifested in the appearance of king-lists. The earliest of this genre, the *Series regum Danie ex necrologio Lundensi* was originally made to emphasize the connection between the royal family beginning with Sven Magnus and the establishment of the Nordic archbishopric of Lund in 1103–1104. It only lists King Sven Magnus and his sons and successors to the throne Harald, Cnut, Olaf, Eric, and Nils. Later on, Eric Emune and Eric Lam were added. Only at the end of the twelfth century, did the list develop into a real king-list with the addition of seven kings from Harald Klak to Hardacnut before Sven Magnus and four kings after Eric Lam. This hand has added the year of Cnut the Holy's accession and the number of years that each of the kings ruled. A later hand has added Cnut VI and Valdemar II.⁸⁹ There are some errors and repetitions in the list, but it nevertheless shows how a manifestation of the link between a royal dynasty and archiepiscopal see at Lund in the church's necrologium at the beginning of the twelfth century developed into a regular king-list towards the end of the century.

The rest of the Danish king-lists are composed from the late twelfth century or later. The *Catalogus regum Danie* was written during King Valdemar I's reign. It mentions his sons, Cnut VI and Valdemar II, but not the years of their accessions in 1182 and 1202. The *Series ac brevior historia regum Danie a Dan ad Valdemarum II* is, as the title indicates, a king-list and a short history of the Danish kings from Dan to Valdemar II, ending with the conquest of Estonia in 1219. It lists seventy-eight Danish kings in total. What is told about the kings up to and including Sven Magnus has used Adam of Bremen as its source. For the subsequent kings, the *Chronicon Roskildense* and Saxo have been used.⁹⁰ Akin to the *Series ac brevior historia* is the *Reges Danorum*. From Harald Klak's time they are both expanded from being simple king-lists into royal chronicles. The *Reges Danorum* continues all the way to King Christopher II's accession in 1320. Besides the *Series ac brevior historia*, the sources of *Reges Danorum* are Adam of Bremen, the *Chronicon Roskildense*, the *Chronicon Lethrense*, Sven Aggesen, Saxo, and the *Annales Ryenses*.⁹¹

In contrast to these combined king-lists and short king chronicles, the *Nomina regum Danorum* is a simple list of eighty-nine Danish kings from Dan to Eric Glipping (1259–1286). It is found in the famous Stockholm MS which also

89 SM, pp. 147–148, 157–158.

90 Ibid. pp. 149–150, 161–166.

91 Ibid. pp. 150–151, 167–174.

includes the *Liber census Daniæ*, the so-called *King Valdemar's Survey*, from 1231.⁹² There seems to be no other purpose for this king-list than to present the wide range of King Eric Glipping's predecessors. On the other hand, there were rather clear intentions behind the compositions of Abbot Wilhelm's *Genealogia regum Danorum* and the anonymous *Genealogia regum Daniæ*. According to the Danish historian Arild Huitfeldt (1546–1609), who used the list in his *Chronicle of the Kingdom of Denmark*, Abbot Wilhelm composed the first of these genealogies to produce evidence against King Philip Augustus of France's claims of incest in connection with Philip's wish to get the recently concluded marriage with King Valdemar I's daughter, Ingeborg, dissolved.⁹³ The intent of the latter was to portray King Eric Plovpenning's (1241–1250) martyrdom. The author used Saxo's and in particular Sven Aggesen's works to put together the quite flimsy genealogical foundation for his main objective.⁹⁴

Aggesen explicitly accentuated the importance of royal lineage in his *Brevis historia*. In his praise of Queen Thyra, she is described as the feudal overlord of all Danes, rich and poor, tilling her fields as *coloni*, the entrepreneur of the magnificent rampart, the Dannevirke, keeping the vain German culture out of the country and the liberator of the Danes from the yoke of servile tribute. In contrast, Aggesen gives the following characterization of Queen Thyra's much less glorious husband, King Gorm. Although he drank, was lazy and addicted to sensuality, although his power did not match the German emperor's, Gorm was, after all, equal to the emperor due to his royal descent. He is the offspring of kings on either side.⁹⁵ Aggesen thus also confers the importance of maternal lineage. His respect for the female line is also seen when he referred to King Cnut the Great who installed his nephew, Sven Magnus, as king of Denmark and revealed that Sven was the son of Ulf and Cnut's sister Estrid.⁹⁶ As to the latter point, Aggesen apparently followed the *Chronicon Roskildense* in stating that King Sven Magnus was Estrid's son.

Aggesen has a fairly open mind to some of the political players' religious orientation. Queen Thyra, for example, was not only beautiful, she was also attributed Christian virtues such as chastity, modesty, and the kindness of providence. She only failed to have been baptized. "If only she had been *orthodoxa*", Aggesen exclaimed with vexation. The description of this fair pagan paragon of virtues and her achievements to liberate Denmark occupied more than three

92 Ibid. pp. 151, 175–176; KVJ.

93 Arild Huitfeldt, *Danmarks Riges Krønike*, vol. 9 (1603; repr. Copenhagen, 1978), pp. 160 ff.

94 SM, pp. 152–156, 176–194.

95 Aggesen, *Brevis historia*, pp. 108–109, 116–117.

96 Ibid. pp. 124–125.

chapters of his work, while her son, the first Christian king, whom Aggesen called Harald Bluetooth, was only allotted a rather brief mention, devoted to the burial of his parents at Jelling, his erection of a memorial stone, and the popular rebellion against his oppressive regime and Christian observance. Harald inherited the realm from both his parents.⁹⁷ When the commons banished Harald from his kingdom his son, Sven, whom Aggesen attributed the nickname Forkbeard (*Tygheskeg*), was raised to the throne. When he died, his son, Cnut, succeeded to the kingdom and expanded it into an empire reaching from and including Thule in the north to the empire of the Greeks in the south. This great king or emperor had two sons. He installed Hardacnut as king of Denmark and Sven was made king of Norway, while Cnut himself ruled England. Unfortunately, both sons died and Cnut had to return to Denmark. However, Cnut was not capable of governing multiple kingdoms at one time and thus he raised his nephew, Sven Magnus, to be king of Denmark.⁹⁸

According to Aggesen, the commons called Sven Magnus “the father of kings”. He had numerous sons, five of them followed him on the throne, one after the other. Aggesen refrained from describing them in full, perhaps because Archbishop Absalon may have told him that his colleague (Saxo) was working on an elegant and more detailed description of their deeds. Still, Aggesen argued that Harald Hen, the first of Sven’s sons to follow him on the throne, also was the first to give laws to the Danes. The second son, Cnut (the Holy), was not killed because of his repression of the population, “as some speculated” but because the dwellers in Vendel, in particular, were a brutal and uncivilized people who persecuted the king through Jutland and eventually drove him across the belt to Funen, where he found his martyrdom in Odense. His brother Olaf followed him as king. During his reign, there was a terrible famine which lasted for seven years which caused the common people to call Olaf “hunger” (*Famelicum*).⁹⁹ The narratives of King Olaf’s reign cannot be substantiated by any charter. According to the tradition, Olaf’s reign lasted from 1086 to 18 August 1095.¹⁰⁰ If there was a famine in Denmark during these years, it must have been a local phenomenon, which reputedly only ended when his brother

97 Ibid. pp. 108–119.

98 Ibid. pp. 118–124.

99 Ibid. pp. 124–129.

100 *Libri memoriales capituli Lundensis. Lunde Domkapitels Gavebøger*, ed. C. Weeke (1884–1889; repr. Copenhagen, 1973), p. 205; *Passio*, p. 321; *Ælnoth* 32, *ibid.* pp. 376–381; Inge Skovgaard-Petersen, Aksel E. Christensen and Helge Paludan, *Danmarks historie*, vol. 1 (Copenhagen, 1977), p. 258; Ole Fenger, *Gyldendal og Politikens Danmarks historie*, vol. 4 (Copenhagen, 1989), p. 69.

Eric Ejegod took over. It is dubious whether there was a serious famine during Olaf's time on the throne, but there certainly was a widespread and long-lasting famine in north-western Europe in the years 1099 to 1101, when Eric Ejegod was king. Either the dating of Eric's succession to the throne is incorrect, or the tradition beginning with Cnut the Holy's hagiography has used accounts of famine dating from the turn of the century and retrospectively attributed them to Olaf's reign.¹⁰¹

When Eric died on Cyprus on his way to Jerusalem, his brother Nils succeeded him. He had a son, Magnus, "by lawful marriage" who "put aside the ties of blood" and took council to plot the assassination of Eric Ejegod's son, Cnut of Ringsted (Lavard) the duke of Schleswig and the father of King Valdemar I. Cnut's brother, Eric (Emune) was "called by the Lord" to revenge this monstrous murder and started a riot against Magnus and King Nils. This point of view on revenge is remarkable because initiatives to stop revenge killings had a prominent place in *Valdemar's Law of Zealand* from Aggesen's time—see the chapter on law, justice, and constitution. Both Sven Aggesen's father Agge and his grandfather Christiern took part in this feud on Eric Emune's side. It may therefore perhaps seem strange that Eric Emune is described as a dubious character. King Eric Emune was reputedly cruel to his kinsmen. He even had his own brother, Harald Kesje, murdered. Eventually he was overtaken by fate and killed at the Urne thing by Plogh Niger. This apparent contradiction can, however, be explained as Sven Aggesen's attempt to place himself on the side of the victorious royal party at the time.

Aggesen's brief account does not leave space for mentioning any German involvement in this fight. It appears as a conflict between two branches of the Danish royal family and their respective followers. According to the *Chronicon Roskildense*, the followers of Eric Ejegod prevailed. His son Eric Emune's cruel government was merely an interlude in the storyline towards the reign of Aggesen's contemporary, the glorious King Valdemar I. The family strife did not end with the sad death of Eric Emune. He was replaced by another Eric who, as suggested by his nickname "Lamb" (*Agnum*), was a nice and gentle king. Aggesen does not reveal the family relations, but according to the *Chronicon Roskildense* he was the son of Eric Emune's sister. All Aggesen revealed about him was that during his reign "there was an abundance of everything".¹⁰²

101 Nils Hybel and Bjørn Poulsen, *The Danish Resources c. 1000–1550. Growth and Recession* (Leiden, 2007), pp. 70–71.

102 Aggesen, *Brevis historia*, pp. 129–137.

After Eric Lamb had passed away another royal family feud began. Aggesen's account is the earliest narrative we have about this feud. Initially the strife had two parties; on the one side Cnut Magnusen, the son of Magnus and the grandson of King Nils, on the other side Sven Grathe Ericson, the son of the cruel Eric Emune. Neither of these blood relations can be substantiated by charters. Cnut was made king by the Jutes, and Sven was elected king of Scania. While they were fighting, the son of the assassinated Cnut Lavard of Ringsted and King Eric Ejegod's grandson, Valdemar, took possession of his father's fief. Valdemar's patrilineal line down to the said Eric is confirmed by two charters, one of them being Pope Alexander's letter to the leaders of the Danish Church, informing them that he had canonized Valdemar's father, Cnut Lavard.¹⁰³ To begin with Valdemar assisted Cnut and Sven in turn, but eventually a council on Lolland decided that the realm should be divided between the three parties. However, soon after Sven had Cnut assassinated at a feast in Roskilde, from which Valdemar managed to escape to his kingdom, Jutland. Sven, the king of Scania, chased him and eventually they met in the battle at Grathe moor. Sven lost this battle and was ultimately killed by a peasant.

This humiliation of a king marks the culmination of a feud between branches of the royal dynasty and their respective aristocratic supporters that lasted for decades. It also marks the beginning of Valdemar's grandiose time as sole regent of a realm that he consolidated and expanded. Valdemar was a king of many virtues. He, of course, won a divine beautiful queen and when he passed away and "paid the debt of Adam", he was succeeded by his no less virtuous, manly, and clever son Cnut by hereditary right.¹⁰⁴ This blood connection between Valdemar I and Cnut VI as well as between Valdemar I and his other son, Valdemar II, is documented by charters.¹⁰⁵ Aggesen did not let this rosy picture be disturbed by German interference. The feud between Cnut Magnusen, Sven Grathe Ericson, and Valdemar was an exclusively Danish affair and the only worthy branch of the royal family, Eric Ejegod, Cnut Lavard of Ringsted, and Valdemar I, prevailed in the end. The charters and Saxo's much more detailed descriptions of these events gave another image in terms of foreign interference in the feud—see the chapter on *marca*, *feudum*, and sovereignty.

As we saw previously, the *Gesta Danorum* leaves the impression that the medieval Danish kingdom was united from the days of Dan, the first Danish king. The territory of this kingdom seems to have been largely the same up

103 Cnut of Ringsted, as Aggesen called him, was later attributed the name Lavard. *DD*, 1.2, no. 190; 1.3, no. 48.

104 Aggesen, *Brevis historia*, pp. 136–141.

105 *DD*, 1.3, nos 111, 134, 135.

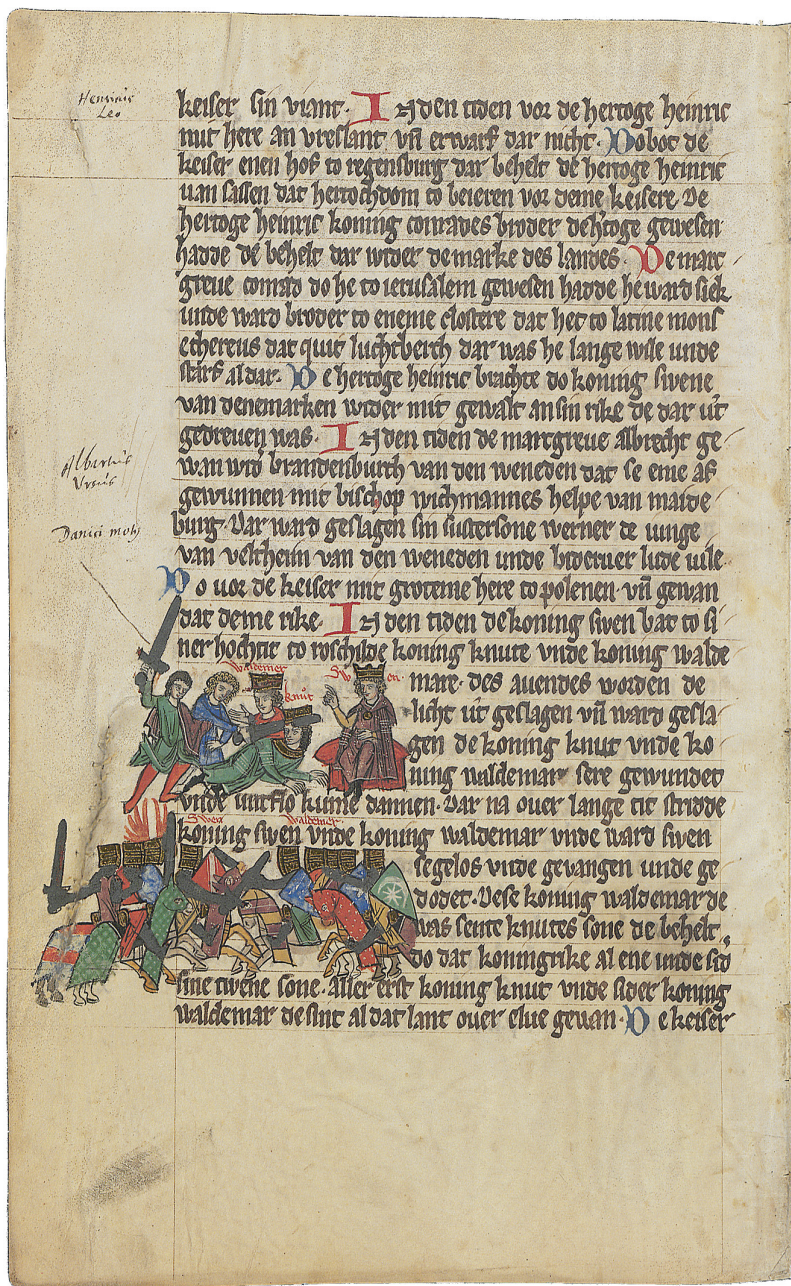


FIGURE 3 Image of Sven, Cnut and Valdemar at the so called "blood feast" at Roskilde on folio 131v of Sächsische Weltchronik

BY KIND PERMISSION OF DER HANDSCHRIFENABTEILUNG,
 FORSCHUNGSBIBLIOTHEK GOTHA, ERFURT

to the time of Saxo. This static image is nuanced by interim divisions of the country and alternations between good and bad kings, sometimes even foreign kings—see the chapter on a *speculum regale*. However, the character of kingship was, according to Saxo, not altogether static. A fundamental change took place. Not even the title of king existed from the beginning, Saxo argued. Faced with the Scanian rebels' demand that King Valdemar replace his foreign officers in Scania with native-born Scanians Absalon replied that their demand would deprive the king of the right to distribute fiefs (*beneficiis*), which the king had won the right to assert through centuries.¹⁰⁶ In other words, over time the leaders of the Danish realm had won the title of king and the prerogative of conferring fiefs.

The fundamental precondition for attaining this title and prerogative was, for Saxo, genealogical. Members of the royal Danish family were potentially heirs to the Danish Crown and it should not and could not be transferred to unknown foreign families, although the Danes on one occasion actually repudiated a member of their own royal family, Sven Magnus, and took the side of a foreigner, the Norwegian king Magnus. Kings that came from a common background had to be removed from the throne, and nobility should not be mixed with common families.¹⁰⁷ On the other hand, being of royal descent was no guarantee of being a good king, just as distinguished family background in general did not imply that a man was noble and brave, although inherited genetic advantages played a role. For example, "one would think that Cnut the Great's spirit and good fortune had been brought to life in Cnut the Holy", who already showed off many of this progenitor's virtues in his youth.¹⁰⁸ Merely the fact that bad kings alternated with good shows Saxo's nuanced view of the matter. Several places in his work emphasize this shading directly. For example, when the rebellious Scanian commoners called for Harald from Sweden soon after King Cnut VI in 1182 took over the Crown from his father Valdemar I. Harald was of royal descent, but he was unintelligent and unfit to be king, despite his fine pedigree. Therefore the Scanian peasant revolt failed when Archbishop Absalon and the Zealanders appeared in Scania.¹⁰⁹ In addition, royal pedigree and a suitably distinguished royal character were not the only preconditions for a king's success.

Saxo was a man of the world with a realistic view of politics reaching beyond the doctrinal ecclesiastical notions of the ideal king. He knew that kingship

106 Saxo 15.4.11.

107 Ibid. 3.3.1, 3.4.5, 6.3.2, 10.9.5, 10.21.4, 13.8.3.

108 Ibid. 11.8.1.

109 Ibid. 16.1.3. See also 6.6.1, 11.10.1, 13.5.8, 14.2.1, 14.30.4, 14.32.2, 14.38.4.

rested on a collective of magnates. The king was nothing without wide support from the powerful magnates. This political reality was expressed again and again in Saxo's work as well as the practical background of his notion of the election of the king—see the chapter on a *speculum regale*. After Cnut the Holy had captured his treacherous brother, Olaf, he lectured the people that “the king's authority was based on the people's support”. Still, Cnut the Holy met a sad ending. Long after this sad incident was recalled by the leaders of a campaign against the Wends, shortly before Valdemar I died. Facing a mutiny threatened by the unreliable Jutlanders, they advised Valdemar's son Cnut VI to call off the campaign. Mutiny “could make it impossible for Cnut (VI) to follow his father on the throne, if he (Valdemar I) died of the fever he had”, the leaders argued. Soon after Valdemar I died and right after he was buried “Cnut (VI) took his counsellor's advice and hastened to Jutland to have his father's retainers [*militēs*] sworn in. It was necessary to act immediately to get a firm grip on the Crown”.¹¹⁰ According to Saxo, royal birth was a requisite precondition to be elevated to this high societal position, and only less skilled historians include guardianship rulers in the list of kings.¹¹¹ Despite Saxo's knowledge of the decisive influence of the political parties of magnates behind the king, and that in reality the king together with the supporting families or parties represented the Crown, he only offered rather vague and short descriptions of the most important genealogies of the most aristocratic families. They are in stark contrast to his lucid presentation of the royal genealogy dozens of generations back in time. This contrast emphasizes the meaning of his work.

In the last decades before the turn of the twelfth century, papal decrees and legal thinkers thought out the foundation of the institution of marriage, ultimately settled in Pope Gregory IX's collection of decrees *Libra Extra* from 1234. Saxo was influenced by this development of marriage law, and he was concerned with the distinction between legitimate and illegitimate children in particular, i.e. whether or not members of the royal family were the offspring of holy matrimony. It has rightly been presumed that Saxo deliberately placed information about illegitimacy or uncertain origin on all pretenders in the first half of the twelfth century except King Valdemar I, and thus made Valdemar the natural victor in the battle for the Crown.¹¹² Despite Saxo's preoccupation with this issue, he was quite open-minded towards those who were born out of wedlock. He regarded them as fully-fledged members of the royal family, and

110 Ibid. 11.14.2, 15.6.5, 15.16.11.

111 Ibid. 9.7.1.

112 Thyra Nors, “Ægteskab og politik i Saxos Gesta Danorum”, *HT*, 98.1 (Copenhagen, 1998), pp. 1–33.

even attributed excellent characteristics to some of them. King Sven Magnus “did not have one single son in marriage” but he got “a whole series of sons by mistresses”. Thus, “it was by unknown relations he had the sons Cnut and Eric, who became the very best that the mother country could display”.¹¹³ As we have learned, five of Sven Magnus’s illegitimate sons succeeded him on the throne. Illegitimate birth was no obstacle to inheriting the royal title, until Valdemar I came to the throne as sole king in 1157. Saxo held that Valdemar I inherited the realm from his father and his grandfather, although he gave the most elaborate description of the violence and political intrigues that ultimately brought him to the throne.¹¹⁴ Valdemar I wished to make the kingship hereditary and independent of customary elections. In line with this way of thinking his relative and rival, Buris, eventually demanded a hereditary fief in return for swearing allegiance to Valdemar’s son, which Buris had immediately refused when the country’s great men had decided to give Valdemar I’s son, Cnut VI, the title of co-regent. Cnut VI was later anointed and received homage in the church in Ringsted.¹¹⁵ But as we have just seen, this was not sufficient to secure Cnut the throne when Valdemar passed away. The Christian monarchic order of succession by inheritance was established as ideal in Valdemar’s time. But Saxo had a more nuanced and realistic view on the matter. Royal succession by inheritance was an ideal that was never implemented. Saxo was aware of that. Throughout the thirteenth century, the Crown was still subject to political strife between branches of the royal house and their magnate supporters. Family solidarity was so-so within the royal family.

Even Valdemar I’s renowned kingship was threatened by his own kinsmen, Buris, as mentioned above, and Magnus Ericson and his associates, Karl and Cnut, who plotted to assassinate the king. Saxo referred to it as a “gruesome crime to kill a relative” when King Nils’s son Magnus murdered his cousin Cnut Lavard. Still, after Valdemar I had won supremacy over Denmark, Saxo welcomed Valdemar’s conciliatory attitude towards those of his relatives who had opposed him in the encounter with King Sven Grathe.¹¹⁶ He found Valdemar’s forgiving approach to the followers of his competitors in the struggle for the throne a wise political move. Moreover, Saxo was clearly in line with the attempts to legislate against combat vendettas in his time. When Valdemar switched sides from the alliance with Sven Grathe to Cnut Magnussen, Sven found Valdemar’s friendship with Cnut awkward as Cnut’s father had killed

¹¹³ Saxo 11.7.1.

¹¹⁴ *Ibid.* 14.3.1–19.15.

¹¹⁵ *Ibid.* 14.33.1–4, 14.40.1, 14.48.1.

¹¹⁶ *Ibid.* 13.1.4, 14.19.17, 14.54.1.

Valdemar's father. To this Valdemar reportedly replied, firstly, that Cnut had nothing to do with this murder, and secondly, that Cnut had paid an appropriate penalty.¹¹⁷ There were limits to how far family solidarity should reach, and it was indeed considered a gruesome crime to kill a relative, but in Saxo's eyes it was not the worst crime. The worst crime was treason.¹¹⁸ Also in this respect Saxo was in line with contemporary legislative initiatives—see the chapter on law, justice, and constitution. The mother country ranked above family, but above all was love for God and the Christian community. A beautiful example of this was the Wend, Prislav, “who had been exiled from his homeland and had gone over to the Danes, both for the love of Christianity, and the abhorrence of the pagan non-believers”. When his father Nuklet's severed head was brought to him, he said, “that it was only reasonable that a blasphemer like him got such a death as a warning to others. Whereupon he shook the thought off himself ...”¹¹⁹ Prislav gave a higher priority to Christianity than his pagan homeland, a similar juxtaposition between Denmark and Christianity Saxo could hardly imagine.

An unknown Icelandic author picked up on Saxo sometime in the decades after he completed his work. It has been suggested that the *Knytlinga Saga* was a continuation of *Skjoldungernes Saga*, bringing the history of the Danish kings into the Christian era.¹²⁰ This assumption cannot be verified for several reasons, because it is uncertain whether *Skjoldungernes Saga* actually existed, as previously discussed. The close accordance of a number of points in Saxo's *Gesta Danorum* and *Knytlinga Saga*'s accounts of the struggles for the throne in the years 1146–1157, partially continued in the depictions in the two sources of Valdemar I and his son Cnut VI's history (1157–1187), has long been the subject of researchers' attention.¹²¹ The author of the *Knytlinga Saga* is just as preoccupied with family relationships, legitimate and illegitimate birth, and the possibility of maternal lineage as Saxo, but he represents a perhaps more rigid and less open-minded attitude to some of these questions than Saxo.

Knytlinga Saga is very categorical when it comes to the question of the importance of legitimate birth. Thus, Harald Bluetooth harboured little love for his son Sven Forkbeard because he was illegitimate (*frillesøn*), and would

117 Ibid. 14.17.10–11.

118 King Valdemar accused the people of the island of Falster of this crime. Ibid. 14.14.22.

119 Ibid. 14.25.9.

120 Hans Bekker-Nielsen, “Indledning” to *Knytlinga Saga*, trans. Jens Peter Ægidius (Copenhagen, 1977), pp. 7–8.

121 Jørgen Olrik, “Om forholdet imellem Saksens og Knytlingasagas fremstilling af Danmarks historie 1146–1187”, *HT*, 10.1. (Copenhagen, 1930–1931), pp. 131–190.

not give him land to govern. It also neglected the thorny question of the status of Sven Magnus's sons. Although he admits that he had many illegitimate children, the *Knytlinga Saga* does not directly point out whether the five of Sven Magnus's fourteen sons who succeeded him as kings were born in wedlock or not. In the *Gesta Danorum*, Cnut Lavard is the son of Eric Ejegod and his queen in contrast to King Eric's many illegitimate children.¹²² *Knytlinga Saga* does not agree with this as King Eric had Cnut by Bothild, the German emperor's sister who was married to Bjørn in Venden, who was Eric's war captive. Later she was returned to her kin because Eric only had lust for her, but no love. By contrast, around 1120 Cnut Lavard was married to Princess Ingeborg according to the Christian marriage rules in the saga's time, as they were finally sanctioned by Pope Gregory IX's decree collection *Libra Extra* in 1234. After Cnut was murdered, Ingeborg gave birth to Valdemar I. Valdemar later also entered into a lawful marriage with his half-sister on his mother's side, the Polish king's daughter, Sofie. Valdemar had an illegitimate son, Christopher. He was made duke of Hedeby, but it was Cnut VI and Valdemar II, his two sons by his lawful wife, who became kings after him.¹²³

Knytlinga Saga shares Saxo's view that only members of the royal families could be kings and recognizes, albeit reluctantly, that before the mid-twelfth century illegitimate sons of the king had access to the throne. This does not obviously imply that the king's sons had a hereditary claim to the kingdom. Hereditary fiefs had become common in Europe when the saga was written, and accordingly the saga called Valdemar I hereditary prince of Schleswig, but like Saxo the saga gives the impression that Denmark was an elective monarchy.¹²⁴ However, the accession to the throne of the legitimate son of Valdemar I and Sofie, Cnut VI, deviates from this. Cnut was anointed king according to his father's will and with the consent of all the people in Denmark, and after his father's death he took power over all Denmark, and all Danes were his subjects.¹²⁵ Compared with Saxo's description of this event, the *Knytlinga Saga* seems to be of the opinion that a hereditary monarchy was actually introduced. On several occasions, the *Knytlinga Saga* referred to laws of succession. It was fixed by law that Sven Magnus had the right to choose his successor, and according to ancient law the eldest son was heir to the throne. Still, even the oldest son had to be elected king.¹²⁶ No medieval Danish law regulating succession

122 Saxo 12.3.6.

123 *Knytlinga Saga*, pp. 17, 40, 111, 122–123, 144, 162, 169.

124 *Ibid.* pp. 15, 20, 37, 43, 47, 93, 99, 134, 138, 140.

125 *Ibid.* pp. 164, 171.

126 *Ibid.* pp. 41, 42, 90, 99, 112.

to the throne exists. When the saga claims that there was such legislation, the author may simply refer to custom. But, like Saxo, he was aware of the political realities. The king was nothing without the power base that brought him to and kept him in power. This knowledge is explicitly expressed when the saga makes the Jutes declare: "We, the Jutes, have long had the power to elect the king of Denmark".¹²⁷

Conclusion

Memorial culture and genealogy are two different practices. Genealogy requires more advanced knowledge and technical abilities than memorial practice. In the pagan past of Germania, lack of evidence suggests that genealogy was not a cultural element. In the Nordic countries, the memorial tradition found on the majority of runic stones cannot be equated with genealogy. In the Germanic parts of Europe, the church, inspired by the Bible and antique traditions, introduced aristocratic genealogical practice. In the Middle Ages, the interest in genealogy was widespread and included people from all walks of life, but the construction of royal dynasties attracted the most attention. Genealogy became an important literary genre in authenticating the kings' claims to royal authority. Genealogy was an ideological weapon, but it was also a methodological means of structuring historical writings.

The first piece of information about the Danish royal genealogy in the ninth century is found in the Frankish annals. Their grip on the Northmen's organization, titles, and genealogy is inconsistent, and it is difficult to find out what they put into the concept "king". All the same, the Frankish annals provided the basis for later constructions of royal Danish genealogies centred on male family relationships. Adam of Bremen's *Historia Hammaburgensis ecclesiae* is the most important of the German missionary chronicles as a source for the construction of a Danish royal genealogy. His genealogical account from the early tenth century up to and including his own time (c. 1040–1081) is extremely important, because it is our main source and in certain respects the primary source. King Sven Magnus is reportedly Adam of Bremen's source for his construction of the list of kings from Gorm the Old to Harald Bluetooth, Sven Forkbeard, Cnut the Great, and Sven Magnus. This genealogy is substantiated by other simultaneous and older sources with respect to the paternal relations between Gorm the Old and Harald Bluetooth and Sven Forkbeard and Cnut the Great respectively,

¹²⁷ Ibid. p. 43.

while Adam of Bremen's work is our primary source for the paternal relation between Harald Bluetooth and Sven Forkbeard, and Sven Magnus's affiliation with the dynasty. The two latter family relations cannot be proved by sources earlier than or contemporary with Adam's work. Adam gives a detailed construction of how Sven Magnus was akin to Cnut the Great, presumably based on information given by Sven himself. Sven Magnus was reportedly Cnut the Great's nephew. Which of Cnut the Great's sisters, Estrid or Margareta, was Sven Magnus's mother is unclear. This crucial, still uncertain, maternal link connected the Viking kings and the medieval kings of Denmark, according to one of the two schools in Danish historiography—see the previous chapter on historiography.

The earliest historical Danish narrative, the hagiography of king Cnut the Holy (c. 1096/97), does not illuminate king Sven Magnus's family background. This and Ælnoth's approximately twenty-five years younger saint's *vita* of St Cnut established a royal genealogy beginning with Sven Magnus, followed by his sons Harald, Cnut, Olaf, Eric, and Nils. Later, the *Chronicon Roskildense* gave a vague description of the royal order of succession and the kings until Harald Bluetooth and Sven Forkbeard, while it is differently clear when it comes to the royal line from Sven Forkbeard's son Cnut and forward in time up to the chronicle's own time. Adam of Bremen's somewhat uncertain account of Cnut's sisters and which of them was the mother of Sven Magnus was clarified by the *Chronicon Roskildense*, which stated that Estrid was Sven's mother. The chronicle linked the royal family from Gorm to Sven Magnus to Zealand and to the church at the centre of this island, Roskilde, and it constructs the first royal genealogy, offering a direct line of kings related by blood, from the early tenth century to the late 1130s. From the time of King Cnut the Holy, this line of kings is fairly well substantiated by charters, except that we have no charters mentioning King Olaf. In contrast, the link between Sven Magnus and his alleged grandfather, Sven Forkbeard, appears to be pretty dubious. Generally it must be stated that the royal genealogy before Sven Magnus's time is somewhat uncertain and the further back in time we go the more uncertain it becomes.

This pattern may be ascribable to the fact that even though memorial culture was part of paganism there was no royal genealogical tradition before Christianity was well established in Denmark. Whether it was because royal dynasties actually did not exist, we do not know. If pagan royal dynasties existed it would have been possible to construct and write down in runes genealogies centuries before Christian clerics began their written work in Denmark. Thus, the tradition of constructing royal genealogies seems to have come to the land of the Danes as an integral part of the western European, Christian ideology.

Before that only foreigners in foreign countries constructed and put down Danish royal dynasties in writing.

At the mid-twelfth century, this tradition developed to include genealogies of so-called legendary Danish kings, i.e. kings whose existence cannot be verified other than by narrative sources. The earliest example of such a genealogy can be found in the *Chronicon Lethrense*. The chronicler collected and wrote down oral tales and legends of heroes in a form that met the ideological and political ends of his time. The heroes' legends are transformed into a tale about a line of blood-related monarchs, presenting Denmark as a unified and independent kingdom of biblical age. Sven Aggesen's short history of the kings of Denmark also deals with pagan legendary kings, but unlike the *Chronicon Lethrense*, the pagan kings enumerated are followed by the historic Christian kings. In addition, Sven Aggesen's work differs methodologically from the folkloristic character of *Chronicon Lethrense*. Aggesen's aim was to address the lack of literature on the Danish kings' achievements by composing a short account; partly because it was about time before they were entirely forgotten, partly because he knew that Saxo was working on a much more elaborate and elegant account of these achievements. Saxo's *Gesta Danorum* leaves the impression that the medieval Danish kingdom was united from the days of the first Danish king. According to Saxo, the first ruler of the kingdom, Dan, was not only the founder of our people, he was also the first ancestor of the royal family. Saxo gives a uniquely unfolded account of the Danish legendary kings. His assertion that all the Danish kings from King Dan were related by blood is, however, not supported by a complete royal genealogy. There are several gaps in it and at times the kingdom was even under foreign rule. The lost Icelandic *Skjoldunge Saga* did not have the same national ambitions on behalf of the contemporary Danish kings. All the same, the recording of the old oral heroic legends was not made solely from a folkloristic stance. The heroic legends were primarily written down due to an emerging genealogical tradition as backward extension of the royal dynasty in support a still fragile national Danish kingdom. This genealogical tradition was even more strongly manifested in the appearance of king-lists from the late twelfth century.

Sven Aggesen explicitly accentuated the importance of royal lineage in his *Brevis historia* and extended his line of legendary and historic kings until the early tenth century, through a genealogy of blood-related kings up to his own time. Saxo's *Gesta Danorum* elaborated Aggesen's brief genealogy through a multitude of details. At the end of the thirteenth century, the *Annales Ryenses*, based on *Chronicon Lethrense*, Sven Aggesen's *Brevis historia*, and Saxo, extended the royal genealogy. In total, the *Annales Ryenses* lists 113 kings from Dan to Eric Menved (1286–1319), of which no less than ninety-three are listed

as kings before King Magnus, after whom the vertical royal genealogy can be roughly verified by charters.¹²⁸

The principles of royal succession found in Sven Aggesen's and Saxo's works were practised ideology in Denmark from the late eleventh century. The territory of the united Danish kingdom seems to have been unchanged from King Dan's days to Saxo's time. This static image is nuanced by interim divisions of the country and alternations between good and bad kings, sometimes even foreign kings. However, the character of kingship was, according to Saxo, not altogether static. The title "king" was not in use from the beginning. Over time the leaders of the Danish realm won the title of king and the prerogative of conferring fiefs. In Saxo's view, the fundamental precondition for attaining the title and prerogative was genealogical. On the other hand, royal pedigree was no guarantee of a good king. In addition, royal birth and a suitably distinguished, royal character were not the only qualifications to be king. Saxo knew that kings were dependent on collectives of similarly disposed magnates. The king was nothing without wide support from powerful men. This political reality is expressed again and again in Saxo's work. This insight was part of the background of his notion of elective kingship. Nevertheless, royal birth was a requisite precondition to be elevated to this high societal position.

Saxo was influenced by the development of marriage law and he is particularly concerned with the distinction between legitimacy of birth; whether or not members of the royal family were the offspring of holy matrimony. Despite his preoccupation with this issue, he was quite open-minded towards those who were born out of wedlock. He regarded them as fully-fledged members of the royal family, and even attributed excellent characteristics to some of them. Saxo found it a "gruesome crime to kill a relative", and is in line with the legislative attempts to combat vendetta. There were, however, limits to how far family solidarity reached. It was indeed considered a gruesome crime to kill a relative, but in Saxo's eyes it was not the worst crime. The worst crime was treason. The mother country ranked above family, but above all was love of God and the Christian community. Still, lese-majesty was a capital crime against an institution that found authority in its old age—the notion that the Danish kingship could be tracked down to antiquity.

128 DMA, pp. 149–176.

Marca, Feudum, and Sovereignty

Through the four of the five hundred years studied in this book, the lands of the Danes in periods were, or were at least considered to be, a march, a borderland, or fief subject to the great continental imperial powers in the south, first the Carolingian Empire and later the German-Roman Empire. At the beginning of the last of the centuries studied, around 1200, the united Danish kingdom had gained sovereignty. The importance and the chronology of the Danish kings' subordination to imperial powers to the south have, as we have seen in the historiographical chapter, been a matter of dispute among Danish historians through the ages. Most of them have acknowledged that during most of the twelfth century the Danish kings were the German emperor's vassals, but few have accepted that the Danish kings for that reason circumscribed the national independence of the realm. Vassalage had no practical implication, it has been held. Hal Koch and Aksel E. Christensen have been spokesmen for these standpoints. Only Ole Fenger has argued that the German emperors and the Saxon dukes influenced the process consolidating power in the hands of the Danish kings and their followers. Inge Skovgaard-Petersen did not find that any Danish kings in the eighth and ninth centuries were vassals, whereas Peter Sawyer accepted Harald Klak as the sole royal Danish vassal subject to a foreign emperor.

The Danish *Marca*

If we turn to the historical sources, it can be noted that the German chronicler Otto von Freising had a different opinion. In the 1140s, he wrote that Charlemagne subjugated the Danes and the Frankish Empire extended from the Danes to Calabria ("a Danis usque ad Calbros").¹ In the following we shall see how this statement concurs with the *Annales regni Francorum*, covering the history of the early Carolingian kings from 741 to 829. The annals report the first encounter with a Danish king, Godfred, in the year 804. In 811 they tell that the peace treaty with Godfred's successor, Hemming, was only sworn by the

1 Otto von Freising, *Otto Bischof von Freising, Chronik oder die Geschichte der zwei Staaten*, ed. Walther Lammers (Darmstadt, 1961), pp. 420, 422.

weapon because the road between the parties was closed due to a severe winter. Therefore, in the spring delegates from both parties were sent to confirm the peace at the River Eider. Later that year, in November, envoys from Hemming met the emperor on his way to Aachen with gifts and a declaration of peace. According to the annals, there were also men waiting at Aachen from Pannonia, the recently subjugated region south-west of the Danube in modern Hungary and Croatia.²

In 813 Harald and Reginfred were kings of the Danes but they were defeated by the former king Godfred's sons and quite a few Danes of the highest rank. Reginfred and the oldest of Godfred's sons were killed, and in 814 Harald turned to the emperor for help. The following year the emperor arranged a campaign in support of Harald. Saxon and Abodrite troops crossed the Eider and forced their way ravaging into the Northmen's province Schleswig. Godfred's sons took flight, and the emperor's troops retreated after the Northman population had given the emperor forty hostages. With imperial support Harald repeatedly attacked Godfred's sons, in spite of their petitions to the emperor for peace, and in 819 Harald took over the governance of the Danes. Two of Godfred's sons joined him and shared power with him. However, the rivalry between the kings of the Danes did not come to an end, and in 822 both sides sent envoys to the emperor's parliament in Frankfurt for help. In 824, Harald went to see the emperor in Compiègne. Two Frankish counts and the missionary Archbishop Ebo of Reims were sent to Godfred's sons to investigate the state of the Northmen's realms ("statum totius regni Nordmannorum"). The following year, Godfred's son sent envoys to the imperial parliament in Aachen to ask for peace, and the emperor prescribed that he would make peace with them in their *marca* in October. In 825, Harald was baptized in Mainz and the emperor donated him a fief (*comitatus*) in Frisia, but all in vain. After Hårik, one of Godfred's sons, had promised to meet at the emperor's parliament in Nijmegen in 827, Harald was expelled from the land of the Northmen by the kings of the Danes.³

If the *Annales regni Francorum* can be trusted, the Frankish emperors were involved in the affairs and conflicts of the Danish or Northman kings from 811. This involvement was brought to a higher level in 824, when Harald was received by Emperor Louis the Pious, and delegates were sent out to investigate the state of things in the realms of the Northmen together with the missionary Ebo. It is remarkable that after these events the realm of the Danes is for the

2 *Annales regni Francorum*, anni 804, 811.

3 *Ibid.* anni 811–829.

first time termed a *marca* in the annals. Thus, the emperor in 825 confirmed peace in their *marca* as the delegates from Godfred's son had requested at the imperial court in Aachen.⁴ Likewise it is told that in 828, when the conflict between Harald and the sons of Godfred escalated, the latter assembled their troops in the *marca*.⁵ The question is why the Frankish annals from this point began terming the land of the Danes a *marca* and what was meant by the term?

Marca can be interpreted as borderland, and in fact traditionally has been in Danish historiography. However, the annals use the words *termini* and *confinis* for border or borderland. More important for the interpretation of the term is perhaps that the Frankish annals generally seem to use *marca* as the term for marginal areas, which the author thinks the Franks had established control over or is considered within the Frankish sphere of interest. Thus, the first time the term *marca* appears in the annals is the year 773 when it is told that the *marca* against the Saxons was left unsecured. Consequently, a great Saxon army crossed the Frankish border (*confinia*). In 788, Charlemagne personally went to Regensburg to secure the Bavarian's land or *marca* ("fines vel marca") against the Avars.⁶ When Brittany came under Frankish control for the first time in 799 it was called a *marca*.⁷ Likewise, the annals account for the Frankish establishment of the *Marca Hispana* in 821.⁸ From these dates Bavaria, Brittany, and parts of Spain appear as *marcae*, just like the land of the Danes or Northmen does after 824, even though the term *regnum* is continuously used as a synonym for the Danish *marca*, for example in 827.⁹ Just as the people and the kings are alternately called Danish or Northman after 825, their land is either

4 "In quo conventu inter ceteras legationes, quae de diversis partibus venerunt, etiam et filiorum Godefridi de Nordmannia legatos audivit ac pacem, quam idem sibi dari petebant, cum eis in marca eorum mense Octobrio confirmari iussit." Ibid. anno 825.

5 "Quod audientes filii Godofridi contractis subito copiis ad marcam veniunt et nostros in ripa Egidore fluminis sedentes ac nihil tale opinantes transito flumine adorti castris exuunt eisque in fugam actis cuncta diripiunt ac se cum omnibus copiis suis in sua castra recipiunt." Ibid. anno 828.

6 Ibid. anni 773, 788.

7 "Wido comes, qui in marcam Britanniae praesidebat, una cum sociis comitibus Britanniam ingressus totamque perlustrans in deditionem accepit; et regi de Saxonia reverso arma ducum, qui se dederant, inscriptis singulorum nominibus praesentavit. Nam his se et terram et populum unusquisque illorum tradidit, et tota Britanniorum provincia, quod numquam antea, a Francis subiugata est." Ibid. anno 799.

8 "Simili modo de marca Hispana constitutum et hoc illius limitis praefectis imperatum est." Ibid. anno 821.

9 "Interea reges Danorum, filii videlicet Godofridi, Herioldum de consortio regni eicientes Nordmannorum finibus excedere compulerunt." Ibid. anno 827.

termed *regnum* or *marca*. This is quite similar to the use of the terms we see in two Ottonian charters some 150 years later.¹⁰

The land of the Danes or Northmen is called a *marca* on what seems to be equal footing with the Bavarian *marca*, the Breton *marca*, which the Earl (*comes*) Wido is in charge of, and the Pannonian and Spanish *marcae*, governed by prefects.¹¹ Thus, the *Annales regni Francorum* operates with the Danish, Bavarian, Breton, Pannonian, and Spanish *marcae*, while Saxony, close to the *marca* of the Danes, is not termed *marca*, although Saxon margraves, *markionibus*, are mentioned in the annals together with Saxon *comes*.¹² The Danish *marca* is the only one of the territories termed *marca* which alternatively is called a realm (*regnum*). But then again, the Bavarian's land is termed "fines vel *marca*".

We never hear of Danish counts or margraves, only about Danish kings and men of superior rank. The term *rex* is applied to Frankish and other Christian kings in the chronicle, for example the Northumbrian king Eardulf, as well as barbarian tribal leaders, for example the king of the Abodrites, Witzin.¹³ Likewise *dux* is used for leaders. The leaders of Bavaria, Aquitaine, Benevento, Friuli, the Abodrites, and Dalmatia are called *dux*.¹⁴ However, the prefect of Bavaria is called *comes*. This term seems predominantly used in the annals for the emperor's vassals or officials, for example the eleven negotiators representing the emperor in the peace negotiation with the Danish king Hemming's two brothers and their retinue of nine honourable men on the banks of the Eider in 811, were all *comes*.¹⁵ Still a *comes* of Majorca, Constantinople, Barcelona, Bonifacio on Corsica, and Genoa can also be read about.¹⁶ The terminology in the Frankish annals is far from consistent. Consequently, the status of the various territories within and on the outskirts of the empire in the eyes of the chronicler cannot be determined on basis of the terminology alone. To approach such a construction, the terminology must be interpreted in the contexts of the events accounted for.

In the Frankish annals, the events in the years 824 to 826 appear to have been epoch-making for the Frankish-Northman/Danish relations. The campaign into Schleswig in 814 in support of Harald Klak's candidature scared Godfred's

¹⁰ *DD*, I.1., no. 330, 343.

¹¹ *Ibid.* anni 799, 819, 821, 827, 829.

¹² *Ibid.* anno 828.

¹³ *Ibid.* anni 795, 808.

¹⁴ *Ibid.* anni 757, 761, 787, 799, 809, 819.

¹⁵ *Ibid.* anno 811.

¹⁶ *Ibid.* anni 806, 813, 815, 827, 828.

son, but to the author of the annals it seems not to have been a turning point in Northman-Frankish relations. It was merely another campaign into hostile, pagan territories on the fringes of the empire, although the imperial interference had a serious effect on the internal affairs of the Northmen. The posting of Archbishop Ebo to the Northman territories in 824 was, on the other hand, a true epoch-making step. From that date, the Northmen's realms were included in the Frankish missionary sphere, and with the baptism of Harald Klak in 826 he became the emperor's vassal. Rimbart in his *Vita Anskarii* reported about these events that a king named Harald, who ruled over some of the Danes, came to the Emperor Louis, and asked for help to regain his kingdom. The emperor urged him to accept the Christian faith, because there would then be a more intimate friendship between them, and a Christian people would more readily come to his aid and to the aid of his friends if both peoples were worshippers of the same God. Eventually Harald was baptized, and the emperor adopted him as his son.¹⁷ Rimbart's account indicates the intimate relationship between political alliance, military assistance, and mutual religious, ideological mindset, which by all appearances was the prevailing way of thinking in leading Frankish circles. Conquest ranked *pari in passu* with mission as well as military aid with religious, ideological conversion and political subjugation.

These events were crucial in the eyes of the author of the *Annales regni Francorum*, and presumably also to his superior employer and the contemporary readers. The Northman or Danish territory north of the Eider was not considered a heartland of the empire, but it had become one of the Frankish *marcae*. Thus, the Frankish annals do not support Otto von Freising's view that Charlemagne subjugated the Danes. Einhard's *Vita Karoli Magni* supports the annals insofar as the lands of the Northmen, called Danes, were never included in Charles's empire. Einhard tells about Charles's wars against the Danes rather as defensive wars against the aggressive and boastful King Godfred. Einhard also tells that Charles fitted out a fleet and caused watch and ward to be kept in all harbours on the Gallic and German coasts to protect them from the Northmen's pirates as he did in the south of his empire against the Moors.¹⁸ On the other hand, the Frankish annals concur with the bishop of Freising's opinion that the Frankish Empire in the north included the Danes, only this inclusion of the land of the Danes as a *marca* took place in the mid-820s and was made by Charlemagne's son Louis ten years after Charlemagne had died in 814.

17 Rimbart, *Vita Anskarii* 7, *Ausgewählte Quellen zur deutschen Geschichte des Mittelalters*, vol. 11 (Darmstadt, 2000).

18 Charlemagne got rid of the arrogant and boastful Danish king when Godfred was killed by one of his own bodyguards. Einhard, *Vita Karoli Magni* 14, 15, 17, pp. 17–18, 20–21.

If the Frankish annals can be trusted, the Frankish emperors influenced political, military, and spiritual development in the land of the Danes in the first decades of the ninth century. Danish political and military leaders themselves asked for his interference by turning to the imperial court for the emperor's support on several occasions. Thus, the Frankish influence in the far North was not just a result of Frankish aggression and an outcome of the Frankish response to the Danish attacks on the empire. The Northman realms, indeed, also became subjects to the Christian mission and part of the Frankish political sphere of interest because of the Northman leaders' attempts to gain the emperor's support in their local encounters. This was practised by many Danish leaders in the centuries to come. It automatically constituted vassalage for these leaders and the territories under their control, at least in the eyes of the emperors that these leaders turned to for support. This was the situation in the 820s, but it did not last long.

The *Annales regni Francorum* ends in 829. At that point, it looks like the imperial vassal Harald Klak, in spite of Frankish support, had lost his power. Already in 827, Harald lost his share of the government of the realm, and was forced to leave it to the sons of Godfred, who, when the annals end, were threatening the Franks in Saxony.¹⁹ Soon after a series of Northman attacks on the Frankish heartland set in, and the Frankish Christian mission in the North broke down. For more than a hundred years the sources provide no basis for speaking of foreign supremacy over Northman leaders. The silence in this respect was probably caused by the weakening of the Frankish Empire. The *Annales Bertiniani* give the impression that Northman raids on the coast of north-western Europe became a serious problem during the war between Louis the Pious and his son Lothar in the 830s, and the trouble with the Northmen continued in the period up to and after the division of the empire between Louis's three sons in 843. On the other hand, there are very few sources for the history of Danish political and military leadership from the 880s to the middle of the tenth century.

However, Widukind of Corvey tells that in 936 the German king Henry I defeated the Danish King Dhnupa, baptized him by force, and made him tributary.²⁰ King Henry died the same year and neither Widukind nor any other source gives further information about this relationship. Widukind wrote his history of the Saxons in the 960s. Another contemporary source for the history of Danish political and military leadership in the mid-tenth century is Routger's biography of Archbishop Bruno of Cologne. Thietmar of Merseburg in his

19 Ibid. anni 827–829.

20 Widukind, p. 34.



FIGURE 4 *Plates from the church in Tamdrup, near Horsens in eastern Jutland, illustrating how Bishop Poppo by ordeal of fire convinced Harald Bluetooth of Christ's greatness and Harald's subsequent baptism. Dating c. 1200.*

BY KIND PERMISSION OF THE NATIONAL MUSEUM OF DENMARK, COPENHAGEN

chronicle from around 1000 gives some information about the relationship between Danish kings and German emperors. We also have two charters issued by Emperor Otto I in 965 and Emperor Otto III in 988, and Adam of Bremen's history of the Hamburg-Bremen archbishopric written about a century later in the 1070s.

Widukind claims that the Danes had been Christian for a long time, even though to them Christ was merely one of many gods. This misapprehension was redeemed by Bishop Poppo through an ordeal of fire, converting King Harald (Blutetooth) and his subjects into true Christians.²¹ Routger of course credits Archbishop Bruno for his achievement, and after some time Bruno prevailed in making the barbaric Northmen and their leader, Harald, subjects of the realm of Christ.²² The exact meaning of this phrase is uncertain. Did Routger mean that Harald and his people were baptized or that they subjected themselves to the holy German-Roman Empire. Presumably Routger meant that they were both baptized and subjected to the empire. He hardly thought that religion and politics could be separated. If this is a correct reading, Routger's construction is in line with Adam of Bremen's later, more detailed account of Harald's baptism. Adam considers Otto I to have been "the Nordic peoples' conqueror". He "subjugated nearly all the kingdoms that after Charles's death had fallen off". It all began when the Danes, under Harald's leadership, attacked. In Hedeby, they killed King Otto's envoy as well as the margrave, and they destroyed the Saxon colony completely. In revenge, Otto immediately invaded the land of the Danes and ravaged all of Jutland from the border at Schleswig. On his way back, the king defeated Harald at Schleswig and took over his realm. It was, however, returned to Harald on the condition of the baptism of him and his people. On this occasion Jutland was divided into three bishoprics subject to the archbishopric in Hamburg. Royal charters are kept in Bremen that prove that King Otto once had the land of the Danes under his control, allowing him to divide it up into dioceses.²³ Exactly what documents Adam of Bremen is referring to is impossible to know but, as hinted at above, there are surviving charters which indicate that the German emperors Otto I and Otto III regarded Denmark as part of the German-Roman Empire, and that Jutland was divided into three sees—Schleswig, Ribe, and Aarhus—with the addition of the church in Odense on the island of Funen in 988. The first charter, issued by Emperor Otto I in 965 exempts the "servos and colonos" living on the churches' estates

²¹ Widukind, pp. 80–81.

²² Rutger of Cologne, *Ruotgeri vita Brunonis*, ed. G.H. Pertz (Hannover, 1841), p. 41.

²³ *AB* 2.3.

in “marca vel regno Danorum” from all tax and services that belong to the emperor, and from all interference from the emperor’s count or bailiff. Otto III’s charter from 988 repeats the privileges to the churches in “regno danorum”.²⁴

In 973, Harald met at the imperial court at Quedlinburg. At this parliament, the Polish duke Boleslaw I was also present. Poland, Bohemia, and Denmark had the same status as fiefs of the German-Roman Empire, more or less liable to pay tribute to the emperor, while the twelve prominent participants from Hungary and the two from Bulgaria represented countries independent of the empire.²⁵ However, Harald was a troublesome vassal. Shortly after he had accepted the Christian religion, a parliament in Werle decided to take action because a war against the Danes was about to break out, Widukind informs us.²⁶ According to Bishop Thietmar of Merseburg’s chronicle, written around 1000, Otto II’s second campaign in 974 was urgently directed towards Schleswig to attack the Danish rebels, and the Danes made trouble once again in 983, when the emperor died.²⁷ In addition when his son, Sven, turned against him, Harald did not apply to the emperor for help and support. Much to Adam of Bremen’s astonishment, he tells that the wounded Harald fled the country to the Slavic town of Jumne where he received a hearty welcome from the pagan population.²⁸

When Harald was baptized, the German emperor regarded Denmark as his *marca*. Harald’s conception of his position is more difficult to make out, but it is probable that he more or less voluntarily realized that his acceptance of the Christian religion would strengthen his position. Maybe he saw the good points in joining the international Christian community. By joining the *Christianitas* he could at least keep the emperor out of his realm and make peace on that front, allowing him to concentrate on the consolidation and expansion of his sphere of interest. Harald was hardly forced to accept the imperial power.

Feudum

There is not much in the sources pointing to a strong influence from German kings and emperors on Danish leaders in the eleventh century. This is probably

²⁴ *DD*, I,1, nos 330, 343.

²⁵ János Gulya, “Der Hoftag in Quedlinburg 973”, in *Der Hoftag in Quedlinburg 973. Von den historischen Wurzeln zum Neuen Europa*, ed. Andreas Ranft (Berlin, 2006), pp. 19–22.

²⁶ Widukind, p. 84.

²⁷ Thietmar of Merseburg, pp. 90, 112.

²⁸ *AB* 2.27–28.

due to the domestic political situation in the German-Roman Empire. In this century, the struggle between the German emperors and the popes over the leadership of Christianity was at its zenith. A number of southern German princes were also in opposition to the emperor. The defeat to the papacy in 1122 and internal political and military fights weakened the empire until the reign of Frederick Barbarossa from 1152 to 1190. Probably because of these circumstances the German pressure on the Danish realm eased off. In fact, there is only one dubious indication of Danish enfeoffment to German kings and emperors from the eleventh century, if any.

The Danish King Sven Magnus (1047–1076) was, according to Adam of Bremen, loyal and obedient to the archbishop of Hamburg and allegedly Adam's reliable source on Nordic affairs. In around 1060, during Sven's reign, Denmark was divided into nine sees, one of them being Dalby in Scania. A church was built, but a few years later the see of Dalby and Lund were amalgamated with the episcopal residence and cathedral in Lund. In the church in Dalby, there was an image of two persons holding a decorated sword or stick between them on a sandstone capital.²⁹ The person to the left is wearing a crown with the inscription *imper(rator)* and above him is written *Henricus*. The person to the right is wearing a round hat and there is no inscription indicating who he might be. By comparison with workmanship of German stonemasons it has been suggested that the pillar was made by a southern Lower Saxon stonemason between 1190 and 1195.³⁰ Alternatively the pillar has been dated to the first decades of the thirteenth century, and it has been suggested that the image shows the German Emperor Henry III (1017–1056) presenting King Sven Magnus, the founder of the church, a sword when he took the oath of fealty during their campaign in Flanders in 1049.³¹ This is a speculative suggestion. First of all, it is not easy to determine which of the two figures gives or receives the sword or the rod, if such an act is depicted at all. If the person with the round hat is King Sven Magnus, it is curious that his name does not occur on the image. In a context where he was the founder of the church, it would have been obvious to present his name rather than that of Henry, the emperor. The round hat worn by the unnamed figure looks like a clerical hat. A coin with a head wearing the same kind of hat has been found in the town of Slagelse on Zealand. This

29 Now in the University of Lund's Historiska Museum in Lund.

30 V.C. Habicht, "Der Sinn für die Wirklichkeit in der niedersächsischen Kunst", *Zeitschrift für Kunstgeschichte* 7 (1938), p. 6. (1–10).

31 Erik Cinthio, "Dalby kyrkas stiftare och donatorer. En spekulativ bildtolkning", in *Från romantik till nygotik: studier i kyrklig konst och arkitektur tillägnade Evald Gustafsson*, ed. M. Ullen (Stockholm, 1992), pp. 1–10.

coin has been tentatively dated to King Sven Magnus's time and linked to the interpretation of the scene on the pillar from the church of Dalby mentioned above.³² The question, however, is whether the round hat is a helmet-like crown inspired by the Anglo-Saxon Crown, having its roots in the Germanic grandeur helmet,³³ or a clerical hat? If the latter is the case it is conceivable that the scene on the pillar represents the section of the imperial coronation ceremony in Rome in April 1191 when the sword was given to Henry IV by Pope Celestine III, provided that the image depicts a transfer action.

A change in Danish-German relations did, however, take place before Frederick Barbarossa came to the throne. The change set in after the late King Eric Ejegod's (1095–1103) son, Cnut Lavard, bought the prefecture of Schleswig from his uncle, the Danish king Nils (1104–1134). Subsequently one of Nils's relatives, Henry, divested the land of the Abodrites, i.e. Holstein and Wagria, to Cnut. Henry told Cnut Lavard that he needed the German emperor's patronage because "it looked like" the land was subject to him. Therefore, Cnut Lavard sent presents to the emperor who apparently accepted him when Henry died.³⁴ In this way a member of the royal Danish dynasty, being the Danish King Nils's nephew and prefect in Schleswig, according to Saxo Grammaticus, became the German Emperor Lothar III's vassal.

As the son of the deceased king, Eric Ejegod, Cnut Lavard was a dangerous opponent for King Nils's son, Magnus. In consequence, Magnus Nilsen assassinated Cnut Lavard in 1131.³⁵ Cnut's brother, Eric Emune, wrote to Lothar asking him to revenge the murder of his vassal, and punish Magnus Nilsen for having killed his cousin, Saxo recounts. The emperor responded by ordering his army to approach the earthworks of Jutland, but the emperor's commander raised the siege on the condition that Magnus performed military service for the empire. Saxo maintains that this arrangement was merely an honourable excuse for retreat, because the emperor's commander dared not attack the Danish army after all. In addition, in the end Magnus was not very loyal to the Emperor. He ambushed the imperial army on its retreat.³⁶ Saxo's account is not trustworthy. If the imperial army was no threat to King Nils, why did his son then offer his service to the emperor? It was hardly to provide the emperor's army an honourable excuse for retreat. More likely it was to prevent imperial support for the insurgents, headed by the murdered Cnut Lavard's brother,

32 <http://www.danskmoent.dk/artikler/elfver1.htm>.

33 Cinthio, "Dalby", p. 4.

34 Saxo 13.3.3, 13.3.7–8.

35 *Chronicon Roskildense*, p. 27.

36 Saxo 13.8.5–6.

Eric Emune, that Nils on his behalf made his son “very humbly pay homage to Lothar”, as Saxo put it. Otto von Freising unambiguously thinks that, what he called the Danish king, Magnus Nilsen, subjected to Lothar.³⁷ Anyhow, in 1134 Magnus arrived with the emperor in Halberstadt, to pay homage to him as his father’s head and swear allegiance to the emperor. “After taking the oath, when the emperor went in procession to the church, Magnus was adorned with a crown and he wore the emperor’s sword with honour.”³⁸

The Nordic archbishop Asser turned against King Nils after Magnus had paid homage to Lothar. Innocent II, who had put the imperial crown on King Lothar’s head and was supported by Lothar against his schismatic rival Pope Anacletus II, had in 1133 ordered the Nordic churches to submit to the Hamburg archbishop Adalbero.³⁹ Because of this, naturally Asser did not approve the king’s move because it put the newly established Nordic archbishopric in danger. The conflict with the archbishop was, however, a price King Nils had to pay for turning the emperor in favour of his own party. It can be concluded that formally King Nils and Prince Magnus Nilsen appeared as Lothar’s vassals, and that the German emperor had strong influence on the political and ecclesiastical development in Denmark after Cnut Lavard became his vassal in 1129. He reacted to the murder of his vassal and as a consequence of his action gained a new vassal, even closer to the heart of power in the Danish realm. Still, the emperor hardly influenced the outcome of the conflict directly, i.e. the murder of King Nils, or that the leader of the rebels, Eric Emune, followed him on the throne from 1134 to 1137. Still, the impact of the German emperor on internal Danish affairs is perhaps reflected in the dating of a confirmation of a donation for establishing a Benedictine monastery in the town of Næstved by some of the main characters in the showdown with King Nils, namely Peder Bodilsen and his brothers, issued by Bishop Eskil of Roskilde. The deed is dated “1135 after Christ, in the 13th indiction, when Lothar the elevated Roman emperor ruled, in the fifth year of Eric, the king of the Danes ...”.⁴⁰

German influence was intensified during the eleven-year-long dynastic conflict between Eric Emune’s son, Sven Grathe, Magnus Nilsen’s son, Cnut Magnusen, and Cnut Lavard’s son, Valdemar, over the Danish throne in the years 1146–1157. As usual, one is tempted to say, the rivals sought for help in Germany. In 1151, Sven Grathe, calling himself king of the Danes, addressed King

37 Otto von Freising, p. 530.

38 Esben Albrectsen, “Konger og krige 700–1648”, in *Dansk Udenrigspolitik Historie*, eds Carsten Due-Nielsen et al., vol. 1 (Copenhagen, 2001), p. 50.

39 Ibid. 13.7.5, 13.7.7; *Chronicon Roskildense*, p. 28; *DD*, 1.2, nos 57, 58, 59, 61.

40 Ibid. no. 64.

Conrad III. The letter is metaphorically framed as a son's request for help and advice from his father, and urges for a time and place of a meeting.⁴¹ The same year, Cnut Magnusen, who apparently had taken refuge in Germany, also claimed that he was king of the Danes and applied for help to take back his realm and patrimony.⁴² Unfortunately these letters are only preserved as copies by Wibald. Still, the very content style probably corresponds rather well to Sven Grathe's and Cnut Magnusen's actual attitudes towards Conrad, who most likely understood them to be his vassals. Otto von Freising tells that Conrad considered his realm to include Denmark.⁴³ Conrad's successor, Frederick Barbarossa, no doubt did. He even claimed that Denmark had only recently been brought back to the German-Roman Empire. It happened at the first parliament at Merseburg after Frederick had been crowned in Aachen, Frederick tells in his short outline of his merits, on which his uncle, Otto von Freising, based his chronicle about Frederick. In this outline he describes how he gave Denmark to King Sven Grathe.

In Otto von Freising's chronicle about the life of Frederick Barbarossa, further light is thrown on this event. Freising tells that Frederick had commanded Sven Grathe and Cnut Magnusen to attend the parliament in order to solve their conflict. Frederick Barbarossa came up with the solution that Sven Grathe received the realm of the Danes and paid homage and gave an oath of fealty to Emperor Frederick. Cnut Magnusen on his side gave up royal power and in return received some Danish provinces. Valdemar, Cnut Lavard's son, also received a duchy in Denmark from the German king.⁴⁴ In a charter issued at the same parliament by Frederick in 1152, both Sven Grathe and Cnut Magnusen appear as witnesses. In the charter, they are presented as Sven, king of the Danes, who at the parliament received the realm from Emperor Frederick, and another Dane (Cnut Magnusen), who at the same place gave up the realm.⁴⁵ According to Saxo, Cnut Magnusen gave up the kingship, paid an oath of fealty to Sven Grathe, and held Zealand as a fief ("beneficii iure sialandiam receptus") from Sven Grathe, who gave an oath of fealty to the emperor and held Denmark as an imperial fief. This solution was later given up, because Sven Grathe felt more secure if Cnut Magnusen did not hold one consolidated fief, i.e. the whole of Zealand. Instead, Cnut Magnusen had three separate fiefs in Zealand,

41 Ibid. no. 103.

42 Ibid. no. 104.

43 Otto von Freising, p. 540.

44 Otto von Freising and Rahewin, *Otto episcopi Frisingensis et Rahewini. Gesta Frederici seu rectius cronica*, ed. Franz-Josef Schmale, vol. 17 (Darmstadt, 1965), pp. 82, 291, 350.

45 *DD*, 1.2., no. 110.

Jutland, and Scania. Thus, the realm of the Danes was divided into fiefs, and the realm itself was an imperial fief subject to the German-Roman emperor Frederick Barbarossa, according to Saxo.⁴⁶ Against this account, it may be objected that Frederick Barbarossa was only crowned emperor in 1155, but this objection does not change the general impression that Frederick Barbarossa had quite a strong influence on the struggle for power in Denmark in the 1150s.

The conflict between Sven Grathe, Cnut Magnusen, and Valdemar Cnutson ended after the first two had been killed. Valdemar appears in 1157 as sole regent in Denmark. Because of the papal schism, in 1159 the emperor summoned the clergy "in all our realm and from other realms, namely England, France, Hungary, and Denmark" to a "general parliament and a synod" in Pavia. Bishop Elias of Ribe was the Danish envoy supporting Frederick Barbarossa's candidate, Victor IV, like "many other kingdoms, Spain, Bohemia, Hungary etc."⁴⁷ In this correspondence, Denmark appears as a kingdom on equal footing with other independent kingdoms outside the empire. All the same, after he had won the Crown Valdemar sent his secretary, Radulf, to the emperor to investigate the state of affairs. Radulf was treated extremely well at the imperial court, and the emperor was immensely interested in talking with the very wise Danish king, Saxo tells. Therefore, he promised that the king would be prefect of one of the Italian provinces and the whole of Slavia. Consequently, when the emperor summoned a new general parliament and synod in 1162, Valdemar embarked on the long, dangerous journey to Dôle.

On this occasion Valdemar took the oath of fealty. Saxo gives a detailed account of the event, which he found extremely embarrassing for the king and the Danish people. He claims that Valdemar had been lured into coming and when, during the negotiations, he "had the knife at his throat he would rather die than let his country lose its freedom". The emperor did not succeed in making Valdemar "his vassal by force". Therefore, "he tried to bribe him with presents and made all the German princes swear that they would submit Slavia to his control ... This trick made the king place his hands in the hands of the emperor and swear obedience. On the other hand, he should not attend the court as princes generally should, and he should not take part in the defence of the Roman Empire. Thus, he only seemingly, but not truly, submitted to the emperor. His son and successor was free to deny the conditions binding his father. It was not a hereditary relation of obedience, binding the Danish people forever. The shame of this subjugation became somewhat less, it was thought,

46 Saxo 14.8.1–5.

47 *DD*, 1.2., nos 135, 137, 138, 139.

because the English king was in similar vassalage to the French", Saxo smooths down the episode.⁴⁸

This presentation of the events when Valdemar took the oath of fealty to the German emperor shows that Saxo was familiar with the European institution of vassalage. He is familiar with the ceremony, and he has a sharp eye for how vassalage was incompatible with a sovereign monarchy. That is why he is so eager to downplay the humiliation of Valdemar's swearing, but not everything in Saxo's account of the event sounds convincing. The comparison with the English king's feudal relations with the French king is certainly far-fetched. The English monarch was not the French king's vassal in his capacity as king of England, but as duke of his French possessions. It was a very different relationship than the vassalage Valdemar signed. One wonders what the emperor gained from the contract. If Saxo is to be believed, Valdemar got off any customary duty connected with vassalage while the emperor promised him help in his efforts to subjugate the land of the Slavs. It sounds too good to be true, but then again Saxo's construction is not completely incompatible with the Lombard feudal law known as *Libri feudorum*. In these legal rules developed in the eleventh and twelfth centuries, including decrees issued by the German-Roman emperors Conrad II (1027–1039), Lothar III (1133–1137), and Frederick I Barbarossa (1155–1190), there is more emphasis on the fief (*beneficium*, *feudum*) than the personal allegiance; the vassal's loyalty and obligations together with the aspect of protection are dimmed.⁴⁹ Nevertheless, the emperor obviously had an ulterior motive. His intention was to bind Valdemar to the grand German mission and subjection of the Slavic areas. What Valdemar was promised was, in Saxo's own words, the office of *praefectus* of the entirety of Slavia ("totius Sclauie prefectura daturum"). The emperor no doubt considered Valdemar on equal footing with his other vassals in the upper layer of the feudal hierarchy depicted in *Libri feudorum*, on equal footing with bishops, abbots, counts, and margraves.

One consequence of Valdemar's vassalage was that he was supported by German princes, particularly Henry the Lion of Saxony, in his campaigns against the Slavs. These campaigns strengthened Valdemar's kingship in several ways. Firstly, tribute was paid by the subjugated Slavic princes. Secondly, the campaigns contributed to the unification of the Danish aristocracy and the different Danish peoples, the Jutes, the Zealanders, the Scanians, etc., and the

48 Saxo 14.28.3, 14.28.16.

49 G. Dilcher, "Libri feudorum", *Handwörterbuch zur deutschen Rechtsgeschichte*, vol. 2, eds Adelbert Erler et al. (Berlin, 1971), cols 1995–2001.

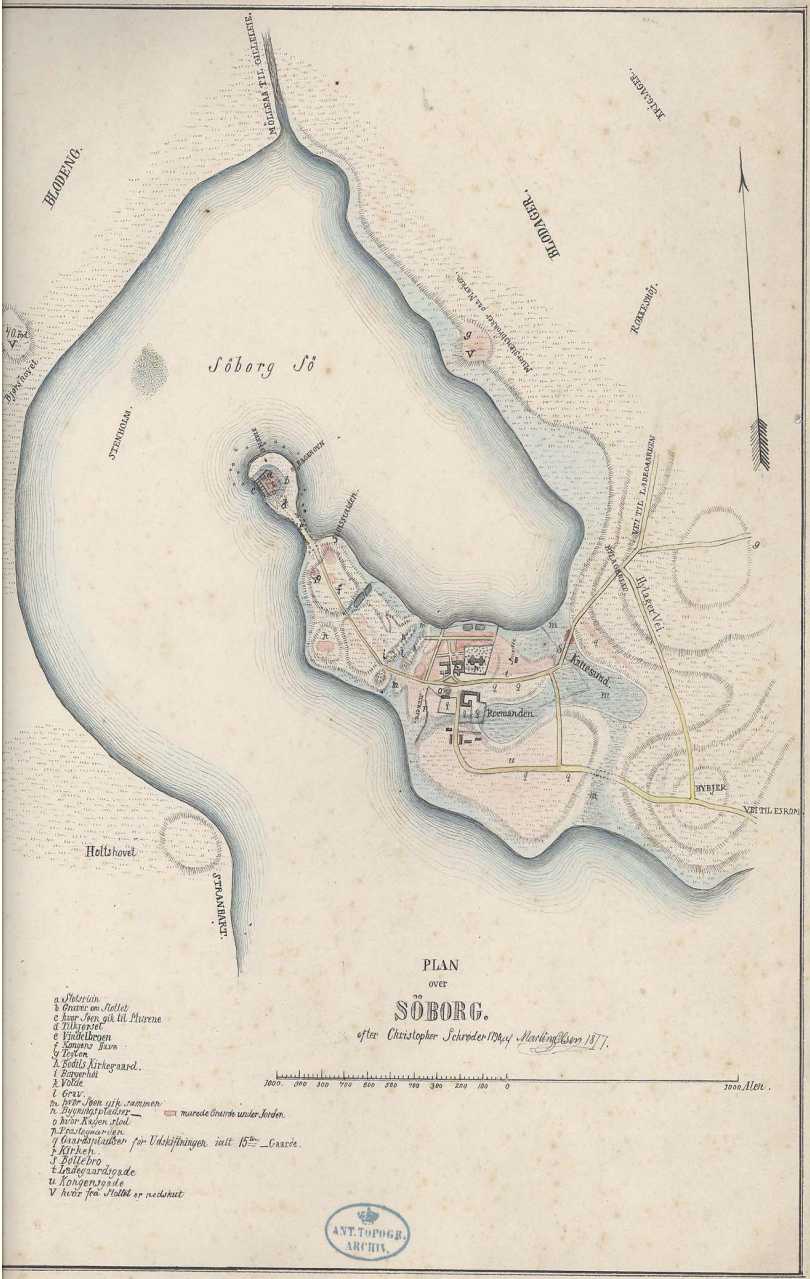


FIGURE 5 The castle Söborg in northern Zealand. Probably the castle that Archbishop Eskil owned, according to Saxo. King Valdemar I won the castle in 1161.
BY KIND PERMISSION OF THE NATIONAL MUSEUM OF DENMARK, COPENHAGEN

forming of bonds between these parties and the king. Thirdly, the aggressive foreign policy was a defence of the realm. The campaigns in Slavia apparently reduced the Slavic raids on the Danish coasts dramatically. Even the southern islands, close to the Slavic coasts, seem to have been cleansed from Slavs and former Slavic influence. On the other hand, Valdemar's close relationship with the emperor escalated his conflict with the Danish archbishop Eskil. Being the emperor's vassal, Valdemar supported the imperial candidate Victor IV, while Archbishop Eskil stood by the Gregorian Pope Alexander.

In 1158, Frederick Barbarossa had confirmed the archiepiscopal see of Hamburg's ancient supremacy over the Nordic churches. The following year, Pope Hadrian IV confirmed Hamburg's privileges without mentioning the Nordic churches and this line was followed by his successor Alexander III, who was the opponent to Frederick Barbarossa's candidate, when Alexander in 1160 or 1161 made it clear that Lund was the archiepiscopal see of the North.⁵⁰ Against this background it is understandable that it came to a conflict between the Danish king and the archbishop, even though we do not know how willingly and how far Valdemar was the emperor's man. Valdemar neither showed up at the parliament in Würzburg in 1165, when Frederick proclaimed a new opponent after Victor IV passed on, nor did Valdemar appear at any later parliament. This is not necessarily an indication that Valdemar was retreating from the imperial side of the schism as, according to Saxo, he was not bound to turn up at the imperial parliaments. But then again, Valdemar was hardly content with being in conflict with the archbishop in the long run, and in 1170 the conflict was settled. This year the archbishop crowned Valdemar's son, Cnut VI, as joint regent. This could perhaps be seen as an attempted disengagement with the emperor. However, as late as in 1181 the prospect of having two of his daughters married to two of the emperor's sons seems to have kept Valdemar on the emperor's side in Frederick's struggle with Henry the Lion of Saxony.⁵¹

Sovereignty

King Cnut VI Valdemarsen never took the oath of fealty, and Frederick Barbarossa only demanded he do so after his father had passed away and Cnut was accepted as king by the Danish aristocracy. Saxo gives an almost arrogant description of the emperor's futile attempt "to lure the inexperienced son into

50 *DD*, 1.2, nos 125, 133, 141.

51 Saxo 15.5.1–12.

the same insidious trap as on a previous occasion he had trapped his unsuspecting father". When the emperor finally sent "a real threatening letter, and stated that he would take the kingdom from him and give it to someone else, King Cnut simply replied, that before the emperor took the kingdom from him, he should find a person who was willing to take Denmark as a fief from him". In Saxo's opinion, the emperor should have realized "that Cnut and the emperor had equal rights to their thrones, and that Cnut led the Danish kingdom as freely and independently as the emperor controlled the Roman Empire".⁵² Surely it is an expression of an exaggerated Danish self-esteem, but it is true that Cnut was never an imperial vassal. That it had come that far was not only due to the fact that the Danish Crown had gained better internal control over its territory and through this had provided financial and military strength to assert the kingdom to the world. Just as much it was due to quite a lot of German weakness. The emperor had his hands full in Italy, and he therefore had no energy to make effective force in the Baltic region, where the Saxon duke Henry the Lion's role was played out and no one from the German side really managed to fulfil the void he left.

The perception of Denmark as a sovereign European power with proud historical roots was less pronounced after King Cnut's death in 1002. It looks as though his brother Valdemar II slipped into the dynastic succession solely by virtue of his kinship with the deceased, childless king. The sources do not mention any election or appointment of the king. This is a silent indication that the Zealand network around the king was intact and unchallenged by domestic rivals. Outwardly, Valdemar balanced between the pope, various German imperial candidates, and the north German princes and bishops. In 1212, the pope appointed the Stauffer, Frederick II, as a rival German king against the Welf Otto IV. King Valdemar followed the pope and gained the displeasure of Otto IV's supporters, Margrave Albrecht of Brandenburg, Count Adolf of Schauenburg, and the excommunicated Bishop Valdemar of Bremen.

In return, in 1214 Emperor Frederick II issued a charter of privileges to the Danish king Valdemar II—the so-called *Golden Bull*. The bull is issued and signed by Frederick, but not by Valdemar. Therefore, it is not formally a friendly alliance between two independent kings, although Frederick mentions Valdemar as one of his neighbouring kings, "the Danes' very Christian king". The bull appears as an imperial charter guaranteeing Valdemar's abilities "to safeguard the peace of his kingdom" and assigning him "all areas that belong to the Roman Empire beyond Elde and the Elbe", together with all the land the kings

52 Ibid. 16.3.1–5.

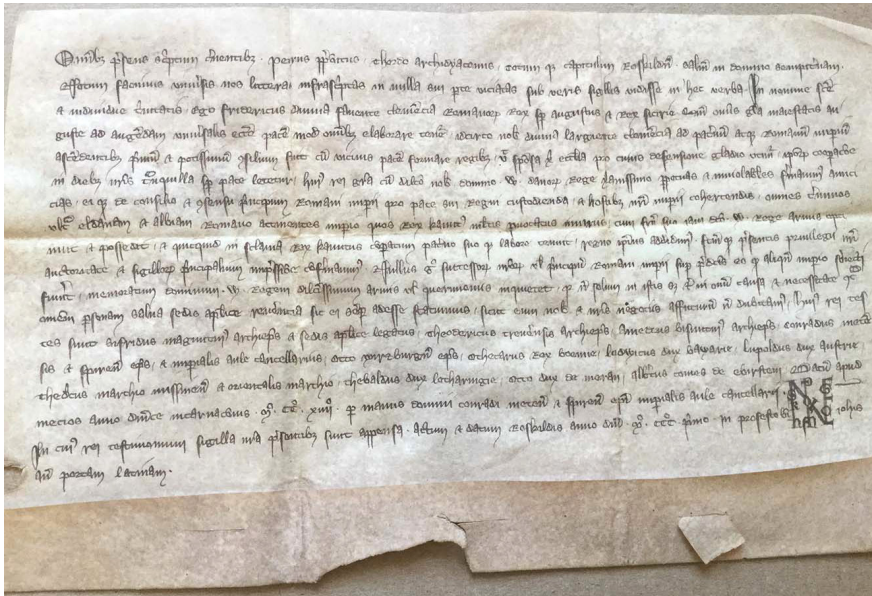


FIGURE 6 *Certified copy of the so called Golden Bull (1214), issued by Roskilde Chapter in 1301*
THE DANISH NATIONAL ARCHIVES, COPENHAGEN (NY KRONOLOGISK
RÆKKE 144-C)

Cnut VI and Valdemar I have “acquired and held in Venden”. In return, Frederick demands Valdemar “chastise our empire’s enemies”—that is, Frederick II’s enemies and Otto IV’s supporters in northern Germany.⁵³ Although Valdemar is mentioned as Frederick’s neighbouring king, the bull can hardly be interpreted as formal proof that the Danish kingdom had yielded to inferior feudal ties with its large southern neighbour. On the contrary, it is an imperial charter granting privileges in return for military support to the emperor. On the other hand, the political context of the charter hardly makes it probable to interpret it as formal proof of Danish vassalage. Rather it must be read as a relatively weak German-Roman emperor’s attempt to secure the northern front of his turbulent empire. Frederick II was in no way capable of imposing vassalage on Valdemar II.

53 DD, 1.5, no. 48.

Sovereignty—an Anachronism?

It is perhaps an anachronism to use the word *sovereign* about the status of the Danish kingdom after the accession of Cnut VI to the throne, even though etymologically the term can be traced back to the twelfth-century French *suveraineté*, a noun that is related to the early eleventh-century Provençal adjective *sobiran*, derived from the classical Latin root *super* through vernacular Italian *soprano*.⁵⁴ Still, medieval jurists did not use the term. They preferred Latin terms like *maiestas*, *summa imperium*, *auctoritas*, *summa potestas*, etc. when they reflected on the relations of right and power, because they based their thinking on dialectic attempts to harmonize the discordant texts of the *Corpus iuris civilis* to the power relations prevailing in their time. Against this background, and because they did not see Roman law as a developed historical product, medieval lawyers placed the origin of sovereignty with the Roman people and the divine Roman emperor. Because, as we have seen in the chapter on *speculum regale*, certain rights and duties were invested in kingship, ideas of sovereignty within the kingdom inevitably evolved in the Middle Ages. However, the idea of political bodies independent of the emperor did not appear until the thirteenth century, after a number of kingdoms and cities independent of direct external political influence had developed in Europe—England, France, Poland, Bohemia, the Scandinavian kingdoms, and the north and mid-Italian commercial towns Venice, Pisa, Lucca, Genoa, Florence, Padua, Bologna, and others. The autonomy of the Italian towns emerged from their struggle against the emperors Frederick Barbarossa and Frederick II in the period from the middle of the twelfth to the middle of the thirteenth centuries.⁵⁵

The first political thinker who touched upon this theme was Azo of Bologna (c. 1150–1230). His thoughts of political power, right, and sovereignty can be summed up as follows: the emperor has the highest and most comprehensive power to bring justice—*iurisdictio*. He has this power—*potestas*—and right—*ius*—through the principle of kingship—*lex regia*—which gives him all authority—*imperium*—and all power—*potestas*—to bring common justice. However, the power to bring justice—*iurisdictio*—exists in different forms. *Iurisdictio* can be full or complete—*plenissima*. In this form it can, as we have just seen, exclusively be held by the emperor. In its minor form, jurisdiction—

54 Francesco Maiolo, *Medieval Sovereignty. Marsilius of Padua and Bartolus of Saxo Ferrato* (Delft, 2007), p. 81.

55 Ascheri, "Beyond the Commune", pp. 458–461.

minus plena—is delegated to various public authorities by the emperor. In its universal form, i.e. valid in all matters—*iurisdictio ordinaria*—it can be granted not only by the emperor but also by authorities with *iurisdictio ordinaria* in specific cases, for example by the citizens of a town—*universitas*. Thus, all authorities are not dependent on the emperor. All *iurisdictio* do not stem from the emperor. It has sources other than the imperial one. The highest form of authority—*merum imperium*—can be exercised other than by the emperor, by one who does not have their authority from the emperor. A corporate body or community—*universitas*—can *de iure* be a public authority independent of the emperor.⁵⁶

Even though Azo attributes all might to the emperor—*plenissima iurisdictio*—by which the emperor can establish common justice, he does not find that the emperor has the highest authority. Other authorities can hold the highest form of authority—*merum imperium*. This being so, such an authority, for example a *universitas*, can *de iure* be sovereign; a very convenient line of thought for the town council in Azo's home town Bologna, and for the rich and powerful in all other prosperous north Italian towns with aspirations to municipal autonomy from the German-Roman emperor in the thirteenth century. In the chapter on a *speculum regale*, we saw how later in the century Ptolemeus of Lucca projected home-town ideals to his ideas of government. Likewise, Azo's ideas of sovereignty were developed by north Italian scholars in the late thirteenth century and first half of the fourteenth century. Two prominent figures in this intellectual process are Marsilius of Padua (1275/80–1342/43) and Bartolus of Saxoferrato (1313/14–57).

The first was born into a wealthy family in Padua, a prosperous town that had been a free commune since 1183. Marsilius studied at the University of Paris, and in 1313 was rector as a young *magister artium*. It was, however, probably after his stay in Paris that he developed his political ideas. In 1316, he was back in Padua as a priest and in 1318–1319 he was a diplomat. Marsilius's magnum opus, *Defensor pacis* was published in 1326. The third part of the work is a brief summary of conclusions. The second part deals especially with causes of civil strife deriving from the papacy's claim to a plenitude of power, while the first part outlines the structures and functions of central powers in general. It is no wonder that the work was condemned by the pope, and Marsilius consequently fled to the German duke Louis of Bavaria in Nuremberg, who was crowned emperor by the *populus Romanus* in 1328. Marsilius followed his protector and

56 Perrin, "Azo, Roman Law and Sovereign European States", pp. 89–101.

during his stay in Italy he finished his work *De translatione imperii*, in which he tried to show that the emperor held power through election.⁵⁷

Thus, Marsilius rejected the claim that the pope held plenitude of power. The priesthood prepares for eternal life; the good life in heaven, while philosophers prepare for the good life on earth, he claimed. Jesus gave his disciples spiritual authority which the pope, the bishops, and all priests have part in. In that sense Marsilius found that all clergymen were equal. However, the pope has earthly authority, not given by God. This mortal authority gave the pope precedence over the clergy. Marsilius speaks for a plurality of regimes; kingships and cities. The Roman *maiestas populi* is for him not restricted to Rome, it is a universal principle. He accepts hierarchical sovereignty with the emperor as the ultimate sovereign and autonomous sovereign cities. For Marsilius, the election of the person or persons holding central power is the precondition for societal law and order. The lawmaker is *universitas civium* and because the law is given by the people, positive law is united with divine law. The sovereign must govern on the basis of this law. Therefore, it can be concluded that Marsilius argued for popular sovereignty.⁵⁸

In contrast to the aristocratic-born Marsilius, Bartolus of Saxoferrato was the son of a peasant in the village Venatura in the Italian province Ancona. In 1334, he became doctor at the University of Bologna. Also unlike Marsilius, Bartolus was devout and closely linked to the church. Before Bartolus began his teaching career at Pisa in 1339, he married into a wealthy family. He held this academic post, generously financed by the commune, until 1342. He then moved to Perugia where he was deeply rooted in the contemporary development of this autonomous commune, which was subject to neither the pope nor the emperor. Bartolus was rewarded with full citizenship, and he stayed in Perugia for the remainder of his life.⁵⁹

Bartolus also advocates popular sovereignty and a plurality of sovereign political entities because, as he argues, the world is divided among peoples. All the same, he sees Christianity divided between papal and imperial territories except for a few cities free by privileges. The power of the pope is universal in spiritual matters and in temporal matters as far as his personal earthly estates are concerned. The emperor's power is confined to his territories, but he is a universal lord in the sense that he has his temporal sword from the pope. Bartolus asserted that the emperor was still *de iure* lord of the world,

57 Maiolo, *Medieval Sovereignty*, pp. 161–170.

58 Ibid. pp. 177–207.

59 Ibid. pp. 217–229.

but he accepted the consequences of the fact that many Italian cities did not recognize the emperor as their superior and in practice held the rights and privileges which, strictly, were applicable only to the emperor.⁶⁰ These rights and privileges have been grouped under four heads: 1. The right to be considered a *Respublica* including the right to make decisions about war and peace (*res publica*); 2. The right to collect taxes; 3. The right to enforce criminal and civil justice (*imperium merum* and *mixtum*). 4. The right to legislate.⁶¹ Sovereignty is divided into the forms of *per populum*, which is good, *per senatores*, which is better, and the best form, *per unum*. *Regimen ad populum* is the suitable government for small societies. In these societies government must go on turn but not all are suitable to govern. In medium-sized societies *per senatores* is the adequate form of government, Bartolus claims, while government *per unum* is best in large communities because in these societies there are too many to council the king.⁶²

It provides food for thought that Saxo Grammaticus's ideas of sovereignty were written down around the same time the concept of sovereignty appeared in Azo of Bologna's writings, but considerably earlier than the concept was elaborated by Azo's later fellow north Italian theorists Marsilius of Padua and Bartolus of Saxoferrato. Saxo was not a theorist. He was a practician, but as we have seen he was also a man of ideals, one of them being the sovereignty of the trinity people, realm, and king. This dogma is expressed in several passages of this work. For example, before King Valdemar I continued on the long dangerous journey to the emperor's court at Dôle, he consulted his counsellors at Bremen, Esbern and Absalon, who strongly advised him against the onward journey. Saxo comments: "One would almost think that he was trying to place his own free people, who were not accustomed to bend their necks under barbarians, under the German's wretched yoke as poor, despised slaves".⁶³ After Valdemar arrived at court and the emperor demanded his allegiance, because Valdemar had his realm as a German fief, Valdemar, according to Saxo, would rather die than let his country lose its freedom. Consequently, the condition of the oath of fealty that he took was that his son and successor to the throne could freely renounce the conditions that had bound his father, because it should not be a hereditary obedience binding the Danish people for ever and ever. Saxo's

60 Ewart Lewis, *Medieval Political Ideas*, vol. 2 (London, 1954), p. 456; on the Italian communes, see E. Coleman, "The Italian Communes. Recent Work and Current Trends", in *Journal of Medieval History* 25 (1999), 373–397.

61 Woolf, *Bartolus of Saxoferrato*, pp. 115 ff.

62 Maiolo, *Medieval Sovereignty*, pp. 231–284.

63 Saxo 14.28.10.

idea of sovereignty is perhaps most clearly articulated when he describes how the kings of the provinces in attendance at Dôle, among them Valdemar, would not take sides in the papal schism, even though that was why the emperor had summoned them to appear at the court. "The provincial kings had not come because they wanted to elect a Roman pope that the Roman emperor could not accept, it would be to influence a foreign country's internal affairs", Saxo states.⁶⁴

Sovereignty is one of the key concepts in Saxo's work, although like the Italian theorists referenced, he does not use the word. The humiliation of Kings Valdemar's oath of fealty to the German-Roman Emperor is a low point in his otherwise quite enthusiastic tale of Valdemar's merits. It was the negation of Danish sovereignty. In contrast, the assertion of sovereignty which he recounts under King Cnut VI, and which he himself experienced, is a highpoint in Saxo's chronicle.

Conclusion

"Throughout most of the twelfth century Danish kings truly were imperial vassals, but one cannot say that it basically meant a narrowing of the kingdom's national sovereignty", Hal Koch wrote in 1963. Concerning Magnus Nilsen owing homage to the emperor as the lord of Denmark, Koch found that it was "probably not much more than a ceremony by which it was stated that Denmark was now a part of the great German Empire. It did not mean that the emperor later on sought to intervene in Danish affairs. The Danish king was fully independent".⁶⁵ Koch's opinion is symptomatic of earlier Danish historiography, insofar as the relationship between Danish kings and German emperors in the High Middle Ages was dealt with at all. Aksel E. Christensen does not mention Magnus Nilsen's oath of fealty, and he finds that "Frederick Barbarossa was content with the formal acceptance of Denmark's feudal relation to Germany" during the conflict between Sven, Cnut, and Valdemar in the 1150s. He does not find that Valdemar I's feudal bond to the emperor was of importance in practice.⁶⁶

More recent historiography ascribes more importance to these relations. Ole Fenger's final words about Valdemar I are that "in relation to the emperor he

64 Ibid. 14.28.16, 14.28.18.

65 Koch, "Kongemagt og Kirke 1060–1241", p. 119.

66 Aksel E. Christensen, "Tiden 1042–1241", pp. 275–277, 292–293, 333–334.

knew his place as a vassal". Fenger finds that the Danish king's vassalage was significant, at least as an indicator of the strength of Danish royal power. He emphasizes that during the war between Sven, Cnut, and Valdemar Denmark came very close to losing its autonomy and becoming a part of the German Empire.⁶⁷ This angle is more cautiously voiced by Esben Albrechtsen. "The Civil War and the on several occasions renewed vassalage together give evidence of a weakening central power, but it survived", he writes.⁶⁸ A similar swing of attitude in historiography about the Frankish and German influence on the affairs in lands of the Danes before 1000 is harder to find.⁶⁹

Still, no one can deny that, according to the Frankish annals, in the first half of the ninth century over a span of thirty years the Frankish emperors, Charlemagne and Louis the Pious, were involved in crucial affairs in the land of the Danes. King Godfred was probably murdered in 810 at the prompting of the Franks, and his successor Hemming immediately began peace negotiations with them. His successors, Harald and Reginfred, did the same thing, and when Reginfred was murdered by Godfred's sons Harald turned to the emperor for help. This appeal for help prompted Louis the Pious to immediately invade Jutland, and after Harald had been reinstalled as king, the first Frankish mission was sent to the North in 824. A church was built, and a few years later Harald was baptized and given a fief at the Elbe. Consequently another mission, led by Ansgar, was sent to the North. However, in the long run it was no great success because the political and military basis of the mission was eroded. Harald was exiled in 827, and the power of the Franks was seriously weakened after Louis the Pious passed away in 840. A fight over the imperial Crown began, which ultimately resulted in the division of the empire into three realms.

The mission in the North was not taken up again until around a hundred years later, when the eastern part of the three Frankish realms had gained momentum. Now the mission had success. The German pressure on the Danish rulers in Jutland eventually resulted in Harald Bluetooth's acceptance of Christianity. Churches were built, and whoever established the runic stone at Jelling bragged about Harald's great achievements. One of them was that he reportedly Christianized the Danes. Obviously it is an exaggeration, but it is nonetheless a memorial to the influence of the German emperors among the Danes. Another claim on the runic stone at Jelling is that Harald won all of Denmark and Norway.⁷⁰ This is no less of an exaggeration, if one associates Denmark and

67 Ole Fenger, "Kirker rejses alle vegne", pp. 126–138, 160–170.

68 Albrechtsen, "Konger og krige 700–1648", pp. 47–51.

69 See for example Peter Sawyer, "Da Danmark blev Danmark", pp. 109–117, 221–245.

70 *Den Store Danske Encyklopædi*, vol. 10 (Copenhagen, 1998), p. 57.

Norway with the territories of these countries in the Middle Ages or today. Still, this statement is likewise testimony to the impact of Harald's subjugation to the Christian church and the German-Roman Empire. By entering into armed neutrality with the emperor, Harald created an important precondition for the consolidation and even expansion of his realm.

There are strong indications that the land of the Danes, that is Jutland, was influenced by the Frankish Empire from about 810 and considered a Frankish *marca* from 824 to 840. Likewise, this land was under the influence of the German-Roman Empire and considered a German *marca* during most of Harald Bluetooth's reign in the tenth century. The interval is difficult to comment on, but the origin of the name "Denmark" suggests that the land was considered to have the status of a *marca* around 900 too. That is probably why in English and German sources around 900 the land of the Danes was named *Denamearc* and *Denimarca*. The fact that various forms of this name are found on Danish runic stones from the tenth century indicate that it was adopted by Danish leaders, maybe even as an acceptance of the status of their land as a *marca* subject to the empire. In medieval sources the name fell out of use.⁷¹ This change in terminology from *Denimarca* in various forms to *Dania* and *Dacia* might reflect the change in the status of the land comparing the ninth and twelfth centuries. In the ninth and tenth centuries, the land of the Danes is apprehended by the Frankish and German emperors as an undefined, subjected borderland, while for much of the twelfth century Denmark as a territory was a relatively well-defined fief to the German kings and emperors.

This status had impact on the development of the Danish medieval kingdom. It is disputable whether King Lothar influenced the final outcome of the conflict between Eric Emune and King Nils, after Nils's son, Magnus, had murdered Cnut Lavard. However, the fact that Nils and Magnus were inclined to take an oath of fealty as Lothar's vassal, when his army was lined up at the border after Lothar was called on by Eric Emune to avenge the killing of his brother, testifies that the Danish rulers found Lothar a serious opponent or supporter, and that vassalage was taken seriously by both parties. Likewise, it can hardly be argued that Sven Grathe and Cnut Magnussen's subjugation to Frederick Barbarossa influenced the ultimate result of this struggle for power in the 1150s much. Nevertheless, during the conflict both parties begged for the emperor's support and even Saxo admits that it was by imperial decision that a temporary agreement was found. The emperor gave the Danish realm to Sven Grathe and ordered him to hand over a part of it to Cnut Magnussen as a fief.

71 See the chapter, The Realm.

The third party in this conflict, Valdemar I, was the winner. Valdemar took the oath of fealty as Frederick Barbarossa's vassal soon after he became sole regent in 1157. He wanted to secure his retreat and to consolidate his realm. Valdemar's vassalage in this respect became a two-edged sword. On the one hand, he ran into a protracted conflict with the Danish archbishop because he followed the emperor in the schismatic church fight. On the other hand, and far more important, he became the emperor's leader in the Slavic campaigns and mission. Valdemar's cooperation with German princes in the Baltic region, primarily Duke Henry the Lion, was, although conflict-ridden at times, an effective measure to consolidate and expand the Danish realm. Thus, there are reasons to believe that Valdemar's vassalage was an important component in the creation of the sovereign national medieval Danish kingdom.

The Danish realm acquired this status after Valdemar's son, Cnut VI, came to the throne. We have Saxo's word for it. According to him, Cnut bravely claimed sovereignty for his kingdom, and we have no reason to question his efforts. On the other hand, we have no charters confirming this autonomous status of the Danish realm. The so-called *Golden Bull* of 1214 cannot be taken as a formal proof for Danish sovereignty. Rather, on face value it appears as a lord's charter, granting privileges to his vassal in return for political and military support. The reality, however, was different. The charter was issued at a bad time for the emperor, in order to stabilize the northernmost territories of his realm. The German-Roman emperors were in no way capable of imposing vassalage on the Danish kings after 1200.

Law, Justice, and Constitution

Among medieval Danish chroniclers there was general agreement that legislation was a royal prerogative, and the king is sometimes also even seen as a judge in the chronicles. This view fits well with what Italian jurists wrote in the literature from the beginning of the fourteenth century about the rights of a sovereign central power. Modern historians too have stressed the bond between lawmaking and central power. When the first Danish law-books appeared, the Danish kingdom seems to have been divided into the three provinces: Scania, Zealand, and Jutland. The earliest of the law-books, the so-called King Valdemar's Law of Zealand, has been dated to the 1150s and the Law of Scania to sometime between 1202 and 1215. Only the Law of Jutland is dated; in the preamble of the law it says that it was given in 1241. Eric's Law of Zealand has been considered to be the youngest of law-books, i.e. younger than the Law of Jutland.¹ In Danish historiography there has traditionally been a dividing line drawn between the law-books of Scania and Zealand and the Law of Jutland. It has been held that the law-books were unofficial, private compilations, because they are undated and anonymous, while the Law of Jutland is taken as a real law because it is stated in the preface to the law that it was given by King Valdemar II, and accepted by the Danish aristocracy in March 1241.² However, this orthodoxy has been challenged. It has been suggested that the earliest of the law-books, the so-called King Valdemar's Law of Zealand, was promulgated by King Valdemar I at the prime of his reign in 1170 as a national law, or alternatively negotiated between King Cnut VI and the best men of the country, both secular and cleric, a few years after Cnut came to the throne in 1182.³ If these

1 Erik Kroman, "Danmarks gamle Love. Deres Alder og indbyrdes slægtsskab", *Acta philologica Scandinavica* 29.2 (1971–1973), 111–126.

2 Ibid. p. 111. Ole Fenger, "En anledning?", in *Jyske Lov 750*, eds Ole Fenger and Chr.R. Jansen (Viborg, 1991), p. 12.

3 Ole Fenger, "Jyske Lov og de øvrige danske landskabslove", in *ibid.* pp. 43, 47; The same line of thinking can be found in later research, for example Michael Gelting, "Skånske Lov og Jyske Lov. Danmarks første kommissionstænkning og Danmarks første retspleje", in *Jura og Historie. Festskrift til Inger Dübeck som forsker*, eds H. Dam, L. Dybdahl and F. Taksøe-Jensen (Copenhagen, 2003), pp. 43–80; Michael Gelting, "Pope Alexander III and Danish Laws of Inheritance", in *How Nordic Are the Nordic Medieval Laws?*, eds D. Tamm and H. Vogt (Copenhagen, 2005), pp. 85–114.

dates of origin are accepted, even King Valdemar's Law of Zealand must be considered an official, monarchical law.

Whether one or the other of these theories is right, laws were made without the involvement of princes, kings, or emperors. Customary law developed from local social practice, and traditions and habits were also law. Custom included conflict resolution which at the same time was case law and a source of law.⁴ Even the most important part of Emperor Justinian's collection of laws and imperial enactments for the development of medieval jurisprudence, the *Digesta*, is an encyclopedia of extracts of Roman jurists' interpretations and Roman customary law set down in writing. Classical Roman law was an expression of interpretation and practice rather than legislation. What was written down in antiquity, as later, was an interpretation of customs according to current needs. Who set the standard for these needs depended on the prevailing political power configuration. Thus, much law, particularly local laws, emanated from the people, but the most international, influential bodies of laws that developed in the Middle Ages were influenced by strong central, political forces. The advancement of Roman and canon law in western Europe, and the subsequent development of the *Corpus iuris civilis* and the *Corpus iuris canonici*, had an intimate affinity with the rise and fall of central powers.⁵ This can hardly be doubted, even though Danish rulers were scarcely strong enough factors in European politics to influence the development of these bodies of law. It is, however, not the goal of this chapter to explore the Danish kings' possible impact on the development of Roman and canon law. Nor is it the ambition to provide an expanded study of the influence of these transnational bodies of laws on the development of Danish law.⁶ The intention is to trace

4 Stig Jørgensen, "Jydske Lov i europæisk sammenhæng", p. 18.

5 In his lectures on medieval Roman Law at the University of London in 1909, Paul Vinogradoff concluded: "It is evident to begin with, that the reception of Roman Law depended largely on *political causes*; this legal system was subordinated to the idea of the State towering over individuals or classes, and free from intermixture of private and public interests characteristic of feudalism. It was bound to appeal to the minds of all pioneers of State conception—to ambitious Emperors, grasping territorial princes, reforming legists, and even clerical representatives of law and order." Paul Vinogradoff, *Roman Law in Medieval Europe* (London, 1909; repr. Memphis 2010), p. 143; following in principle the same line of thought, the ups and downs in the development of canon law has been tied to the fluctuations in the development of the central powers with the Constantinian, Carolingian, and German-Roman empires as the heydays of canon law. James A. Brundage, *Medieval Canon Law* (Harlow, 1995).

6 The discussion of this issue began two hundred years ago. In contrast to the opinion of the first Danish legal historian, Peder Ancher Kofod, who in the 1770s held that the Danish provincial laws were not affected by foreign inspiration, J.L.A. Kolderup-Rosenvinge in a work from 1832

the Crown's gradual entry into local Danish legislation, legal practice, and jurisdiction, which will lead to an examination of the origin of a written Danish constitution.

Lawmaking and jurisdiction were hardly ancient royal prerogatives, as the medieval chroniclers asserted. Saxo Grammaticus's references to legislative kings before 1000 A.D., as we saw in the chapter on a *speculum regale*, have very little to do with reality. It is an adaptation of the general European idea of kingship and, as we will see below, to some extent a reflection of the state of Danish affairs in his time. Saxo's writing on the subject from around 1200 is a result of a mixture of wishful thinking and his observations of contemporary practice. Originally, royal influence on lawmaking was not secured by any legal precept, and the king had no greater judicial authority than any other member of the community.⁷ However, lawmaking and jurisdiction was gradually taken over by the expanding central power, which concurrently developed elements of a written constitution. The taking over of these societal functions, together with increasingly solidified formal internal, political, legal, and administrative structures, are integral in the generation of central power. Therefore, these processes are important markers of the stages in the development of kingship up through the period examined in this book.

Sources of Medieval Law

There were three sources of the development of medieval Danish law: customary, Roman, and canon law. Both Roman and canon law included elements of custom. In the development of these bodies of laws, the basic principle was that religious intellectuals collected, selected, and interpreted practice and particularly texts produced by their intellectual predecessors. Roman and canon

was the first to point out that there was a connection between the Danish laws and canon law. Sixty years later the legal historian Ludvig Holberg elaborated this relationship in a work published in 1891. Holberg argued that the provincial laws on numerous issues were inspired by foreign law. He stated, among other things, a link between the preface of the Law of Jutland and Gratian's *Decretum*, which had previously been mentioned by Kolderup-Rosenvinge. Peder Ancher Kofod, *En Dansk Lov-Historie fra Kong Harald Blaatands Tid til Kong Christian den femtes*, vols 1–2 (Copenhagen, 1769–1776); J.L.A. Kolderup-Rosenvinge, *Grundrids af den danske Retshistorie til Brug ved Forelæsninger*, vols 1–2 (Copenhagen, 1822–1823); Ludvig Schall Holberg, *Dansk og fremmed ret. Retshistoriske Afhandlinger* (Copenhagen, 1891).

7 Poul Johs. Jørgensen, *Dansk Retshistorie. Retskildernes og forfatningsrettens historie indtil sidste halvdel af det 17. aarhundrede* (Copenhagen, 1940), pp. 18, 33.

law developed as universal bodies of laws, while the scope of recorded customary law was generally local or regional. But this does not mean that local customs were necessarily unique. More or less identical social structures prevailed throughout large areas of northern and western Europe. Therefore, social, economic, and political life in different parts of Europe produced more or less identical practice and customary law. The striking likeness of many aspects in the Law of Scania and the later Law of Jutland, for example, does not necessarily mean that the latter was influenced by the former.⁸ The explanation can just as well be that the societal differences between Scania and Jutland were moderate, and that identical laws were therefore in force and were written down in both countries. On the other hand, now and then customary laws in different districts did influence one another, and sometimes laws were literally copied from other local laws. Lübeck, for example, provided a source of inspiration for town laws in northern Germany, the Baltic region, and Denmark. The surviving town law of Tønder from 1243 is even written by the Lübeck town scribe. And the Tønder law inspired Ribe's town law from 1269 as well as other town laws in Jutland.⁹ Likewise, canon law was inspired by or even to some extent built on Roman law, the oldest of the two international bodies of law in the Middle Ages.

German legal historians in the nineteenth century constructed the concept of Germanic law as a collective designation for a number of laws originating from Germanic tribes just before and after Christ. The concept of Germanic law is based on the idea that a certain linguistic and cultural community with its origin in a distinct common human exterior nature existed in a Germanic tribal territory, extending from Scandinavia in the north to the Danube in the south, and from Vistula in the east to the Rhine in the west. Germanic proto-law, however, is an imaginary legal system attributed to an imaginary people.¹⁰ Modern legal historians have rejected the idea that a special Germanic proto-law can be deduced from the laws written down by the Visigoths, Salian Franks, Ripuarian Franks, Burgundians, Lombards, Bavarians, Alemanni, and Anglo-Saxons. The latter people's laws have also been included in Germanic law. The oldest of these so-called Germanic legal records was probably made by the Visigoths, who left the *Codex Euricianus* from the late fifth century; one of the editions of the *Leges Visigothorum*. In the beginning of the sixth century, the Salian Frankish king Chlodovech I gave the *Lex Salica*. Around the same

8 Ibid. p. 41.

9 DGK.

10 Ole Fenger, *Fejde og Mandebod. Studier over slægtsansvaret i germansk og gammeldansk ret* (Copenhagen, 1971), pp. 203–206.

time came the Burgundian law, *Lex Burgundionum*, and a little later in the 630s the *Lex Ribuaria* was written down, only a decade before the Lombard king Rothar gave the *Edictum Rothari*. Sometime in the eighth century, the *Lex Baiuvariorum* and *Lex Alamannorum* were collected. Charlemagne gave supplements to the old Frankish laws (*Capitularia*), and had the laws of other peoples written down, for example those of the Frisians.¹¹

These laws have common features, but they are far from identical. The guild and the household are for example old Germanic legal institutions, while the family is an institute found in the laws in Frankish time. An example of identical provisions being found in laws of widely varying age, is that certain provisions of Lombard law appear much later in the Danish provincial laws. In Lombard law, fornication caught in the act allows the husband to legally kill his wife and her lover.¹² The same legal act of revenge can be found in Valdemar's Law of Zealand, Eric's Law of Zealand, and the Law of Jutland, while the Law of Scania only allows the husband to kill the lover.¹³ Lombard law also prohibits revenge killings, in line with what was introduced by the Danish Crown around 1200, and later adopted in provincial law, as we will see below. The core in King Rothar's edict from 643 is that it is given by the king and accepted by his men.¹⁴ This thinking gained ground in Danish laws five to six hundred years later, it will prove later in this chapter.

The Visigothic, Burgundian, and Frankish laws from the sixth to the ninth centuries exhibit quite a few traits, and some of the fault lines between Roman and common law we later find in the Danish provincial laws from the late twelfth to the middle of the thirteenth centuries. The development towards legal personal responsibility, as we find it in the collection of Roman imperial laws *Codex Theodosianus*, from legal familial responsibility, traces of which can still be found in Visigothic and Burgundian law, we will rediscover in Danish legislation from about 1200. The Merovingian laws are marked by an analogous contrast between common law and royal legislation which we find in the Danish medieval laws, because Merovingian society experienced a formative period similar in principle to the societal situation of Denmark in the late twelfth and thirteenth centuries. The Salian law appears as an agreement (*Pactus legis Salicae*) between the king and the magnates: the charge of violation of the sanctity of private life that can be disclaimed by the oath of twenty-

11 *Den Store Danske Encyklopædi*, vol. 7 (Copenhagen, 1997), p. 406.

12 Fenger, *Fejde og Mandebod*, pp. 213, 214, 219.

13 *Valdemar's Law of Zealand* 2.1, *DGLK*; *Eric's Law of Zealand* 2.1, *DGLK*; *The Law of Jutland* 3.37; *The Law of Scania* 215, *DGLK*.

14 Fenger, *Fejde og Mandebod*, p. 216.

four men, half of them being chosen by the suspect, the possibility of throwing off family responsibility by royal intervention, the requirement for public legal proceedings, etc.—these are all features we see again in the medieval Danish laws. The Merovingian and later, in the ninth century, the Carolingian kings tried to reduce feuds and revenge killing like the Danish kings attempted three or four hundred years later. This endeavour appears in the east Frankish *Lex Ribuaria* already in the seventh century. This law decides that revenge killers should be brought to the thing to be judged by the king, and pay compensation to the claimant and a fine to the *fiscus*. Provisions of lese-majesty, as we find them in the Danish laws more than five hundred years later, are also elements in this East Frankish law.¹⁵ The Visigothic, Burgundian, and Frankish laws from before 900 can in many ways be considered as forerunners of what was to come in the far North of Europe in the Middle Ages. But that does not mean that the Danish medieval laws were necessarily directly influenced by these early medieval laws.

The Ostrogothic, Visigothic, Burgundian, and Frankish laws were fusions of common law from the regions where they were collected and Roman law. The German and Frankish law-books from the sixth to the ninth centuries were written down in Latin by clerics who knew of Roman law via canon law. They have been considered as a deterioration of Roman law, because general Roman law disintegrated into regional common law so that men were only subject to the law of their own people. Popular common law was influenced by Roman law, based on the aforementioned code of Emperor Theodosius II from 436, to such an extent that the Visigothic compilation became the principal source of Roman law in the West, except Italy. Emperor Justinian's compilation of Roman laws was only known in the East and in Italy, and in the eleventh century also in Provence. No early medieval central power was strong enough to enforce one general legal order of its own or to confine it to aliens; not even Charlemagne. As a consequence, Roman legal doctrines were simplified and vulgarized. This development only turned in the late eleventh century when laws schools in Provence, Ravenna, Pavia, and Bologna took up scholastic studies of Justinian's law collections. Based on dialectic studies of the *Digesta*, medieval jurists over the next couple of hundred years constructed the *Corpus iuris civilis*.¹⁶ It became a foundation of legislation and studies of Roman law.

15 Ibid. pp. 220–236.

16 Paul Vinogradoff, *Roman Law in Medieval Europe* (London, 1909; repr. Memphis 2010), pp. 2–24.

Roman law was also a source of canon law. In contrast to most laws in the Early Middle Ages, canon law was international law, and it applied to all regardless of gender, class, or national affiliation. Canon law evolved to include not only ecclesiastical affairs, but also a number of mundane issues such as sexuality, marriage, business, and family. Despite Jesus and Paul's doubts about the law's place in Christian life, the church began to develop laws early on. From Emperor Constantine's time, when Christianity became accepted in the Roman Empire, the bishops began to hold church councils, where they issued decrees. These were another major source of canon law, but the lesser regional synods were also legislative bodies and a source of new law. Several compilations of canon law were made through the centuries, before Gratian around 1140 tried to reconcile different canonical traditions in his work *Concordia discordantium canonum*. Gratian's method and work, in posterity called *Gratian's Decretum*, laid the foundation for the development of canon law throughout the rest of the Middle Ages. Gratian was affiliated with the law school in Bologna, but similar schools were founded in Paris, the Rhineland, and Oxford in the twelfth century. New, often conflicting decretal collections were unveiled. For this reason, Pope Gregory IX (1227–1241) ordered Raymond of Peñafort (d. 1275) to compile one big official collection of decrees, *Liber extra*, from Gratian's time to his own. This compilation was supplemented with *Novellae* in 1245, 1246, and 1253, *Novissimae* in 1276, and *Liber Sixtus* in 1298. Canonists took concepts, ideas, and institutions from Roman law and, vice versa, jurists of Roman law made comparative studies of canon law. Justinian's corpus was considered a supplementary source of canon law which around 1250 had the status of general Christian law—*ius commune*. Knowledge of various parts of canon law, such as marriage, usury, tenancy, holidays, testaments, etc. seems to have been widespread, and powerful men, towns, and other institutions hired canonists. They were not exclusively theorists, and some of them became the technocrats of the late twelfth and thirteenth centuries. This made an unmistakable impact on lay rules, decrees, and laws—for example on the development of the rules of evidence in the Danish laws, as we will soon see.¹⁷ The dogma of *Pax Dei* was another important side of canonical influence on temporal law, not least for the lay Danish rulers' rising role in legislation.

Even though Charlemagne did not have the power to force a general law on all the subjects of his empire, a new stage in legal history began in his reign. Heavy fines for killing clerics were introduced. Some of these fines accrued to

17 James A. Brundage, *Medieval Canon Law* (Harlow, 1995; repr. 2005), pp. 3, 8, 44–60, 176–180.

the emperor. Churches became sanctuaries and no one could be taken away by force from church buildings. The special protection of clergymen and the peace of the church, the so-called Peace of God (*Pax Dei*), was developed as part of a religious reform movement from the tenth century. In the *Pactus legis Alamannorum* and *Lex Baiuvariorum*, we find heavy fines for the killing of priests and monks hand in hand with the death penalty and confiscation of property for seeking to take the ruler's life. Exile for those who cause conflicts in the army and provisions for breaking the peace of the royal court, as well as rulers' interference in judicial procedure and as guarantor of the summoned to appear in court, together with steps to defend virgins and widows can also be found in these laws. These and other, similar provisions were imposed by Charlemagne on Saxon and Bavarian law, and partially on Lombard and Thuringian law.¹⁸ In the beginning of his *Capitulare de banno dominico* (a chapter on royal bans) Charlemagne had the eight royal bans listed. These were disrespect for the church, injustice to widows, orphans, poor, and the defenceless, prohibitions on taking a free woman against her will, arson, assaults on property, and refusal to provide military service.¹⁹ These royal bans not only implied a call for the defence of churchmen and the defenceless, but also for peace in the realm and its defence. The provisions were of course backed by the clergy who cooperated with Charlemagne in his effort to strengthen royal control. The emperor's peace legislation was of crucial importance for the development of royal lawmaking in posterity. After the dissolution of the Carolingian Empire in the middle of the ninth century, the church's need for peace legislation and protection grew considerably, and the further development of the peace ideology subsequently unfolded in a religious framework in the tenth century. As we will see, this part of canon law had a marked influence on Danish legislation in the twelfth and thirteenth centuries. It was an important part of the laws made by the kings and a force for the growing royal legislation and law enforcement in medieval Denmark.

Narratives of the Earliest Danish Laws

Ælnoth

In the English monk Ælnoth's legend of the Danish king Saint Cnut the Holy (1080–1086), some of the earliest information on legislation in Denmark can be

18 Fenger, *Fejde og Mandebod*, pp. 237 ff.

19 *Capitulare de banno dominico*, ed. Georg Heinrich Pertz (Hannover, 1835), pp. 34–35.

found. Ælnoth came from Canterbury and settled in Denmark. In the preface, he writes that he had been in Denmark for twenty-four years. If this is true, one must assume that he knew something about Danish customs. This presumption may indeed be said to be confirmed by his fairly detailed report on the pagan Danes who, in his eyes, were reluctant to convert. Only the Norwegians, Swedes, Goths, and Icelanders appear to Ælnoth to have been even more impervious to the happy Christian message. He doubted whether these people would ever become devoted Christians. Ælnoth explains this hostility to Christianity by the harsh natural conditions of a Christian's life in the highest north. Thanks to the neighbouring Gauls and Saxons, and a country more useful to meet their needs, the attitude towards Christianity among the Danes was somewhat better, but it was not quite good since they rebelled against the very Christian king Cnut and in the end murdered him.²⁰

In the chapter on a *speculum regale* it was mentioned that Ælnoth tells that King Cnut's predecessor and brother, Harald Hen (1074–1080), gave laws dictated by the people. According to Ælnoth, Harald chose and established the laws and rules of law the people wanted to be kept by their descendants. Subsequently, the Danes have demanded from every new king they have elected that he shall keep the laws upheld by Harald, and they still praise him as the father of the peace and public freedom he granted them, Ælnoth continues. In other words, Harald gave the people what they wanted, namely what seems to have been participation in the Peace of God.²¹ King Harald also ordered that "the woods which the mighty had monopolized should be common", we are told by the *Roskilde Chronicle* (c. 1138).²² King Cnut apparently followed in the footsteps of his brother by giving laws spreading the Peace and Truce of God. Ælnoth tells that he extended clerical rights. He established the observation of holidays and times of fasting according to the rules elsewhere in Christianity by royal proclamation, including penalty clauses. Furthermore, King Cnut proclaimed that slaves who had purchased their freedom or had been freed should be free. He also gave an immigration law granting all strangers and foreigners, wherever they came from, equal rights with the natives, as long as they had not done anything wrong. Whether this is an indication that canonical *Pax Dei* legislation was actually attempted by the Danish king, or it merely reflects Ælnoth's desire to attribute saintly virtues to the king is difficult to say. King Cnut's deed of gift to the church at Lund from 1285, however, shows that the

20 Ælnoth, pp. 330–332.

21 Ibid. pp. 340–342.

22 *Chronicon Roskildense*, p. 23.

king did have income, indicating that he exercised laws inspired by canonical principles. The king had reportedly acquired some of the land he gave to the church at Lund as payment from certain individuals, buying their peace from the king.²³ The Danes hated these laws, but for Ælnoth they were by no means against God. Consequently, Cnut did not give laws according to the people's demands like Harald, and "he suppressed obstinate rebels despite the commands of God or the law", says Ælnoth.²⁴

Therefore, the people would not listen to King Cnut. "They preferred their own laws rather than divine justice".²⁵ Ælnoth also informs us about how the popular Jutland laws were passed. In the middle of Jutland, there is a place called Viborg "which means Vig's hill or battle hill or sacrifice hill. Here great crowds from all over Jutland meet to negotiate common matters and to discuss whether the laws are right or still up-to-date and to establish laws. And what has been established in agreement by the gathered crowd cannot be overridden in any part of Jutland without punishment."²⁶ Ælnoth's legend of King Cnut the Holy leaves the impression that customary law was created and revised by the people, and that a body of laws for Jutland was negotiated at the thing in Viborg. These laws were superior to the local customs in various parts of Jutland. King Harald reputedly chose and decided laws in accordance with the people's needs and wishes, while King Cnut seems to have imposed laws inspired by the Catholic Church's Peace of God movement upon an unwilling people that used to live by their own customs and laws. In Ælnoth's legend, this conflict over whether laws should be made by the people or as a top down procedure based on divine law is fuel for the uprising against and eventual killing of King Cnut in 1086. The people did not only kill a pious king, they refuted God's law. That King Cnut received his martyrdom in his struggle to establish the law of God with the pagan Jutes is a major argument for the subsequent canonization of Cnut for Ælnoth. This point, of course, weakens the source value of Ælnoth's legend in respect to an evaluation of the extent and importance of royal legislation and how customary law was made around 1100. If Ælnoth's account of how national Jutlandic law, covering every district of the peninsula, was decided at the thing at Viborg is right, a non-monarchical central legislative power was at work in Jutland in King Cnut's day. The king's violation of this customary legislative institution provoked popular opposition against ecclesiastically inspired royal legislative attempts, in spite of all the

23 *DD*, 1.2, no. 21.

24 Ælnoth, pp. 352–353.

25 *Ibid.* pp. 344–345.

26 *Ibid.* p. 361.

king's good Christian intentions. According to Ælnoth, the pagan Jutes simply did not understand and accept them. There was a cultural and religious chasm between the pious Christian king and the pagan Jutlandic people, and this lack of mutual understanding resulted in popular animosity against foreign clergymen and opposition to royal laws enforced from above. This is the common thread in Ælnoth's legend of Saint Cnut.

Saxo Grammaticus

In the chapter on a *speculum regale* we read that in his *Gesta Danorum* Saxo Grammaticus held that legislation was an ancient royal prerogative. Saxo tells that the legendary King Frode, after a military victory, wanted to stress that he was no less concerned about legislation than warfare. Therefore he introduced a new law for his army and, after his return to Denmark, he even promulgated a law of marriage. The king decided that women were free to choose whom they would marry, so they would not be forced into marriage. And a marriage (*matrimonium*) was valid even if the girl had not asked her father for permission to marry. Furthermore, he forced men by law to marry a woman after sleeping with her, and he permitted fierce punishments for men who violated the chaste institution of marriage by sleeping with another man's wife.²⁷ These rules of marriage show, not very surprisingly, that the cleric Saxo was rather well informed about current canon law on matrimonial issues, although in order to underline his point he used them in an anachronistic context. During the High Middle Ages, matrimony was turned into a sacrament, but up until the Reformation, Christian marriage was more or less formless, albeit in the thirteenth century the church tried to make it a public institution by publishing the bans of matrimony. Still, a valid marriage could be negotiated with or without a priest's blessing. What mattered was the consensus of the two parties witnessed by two persons present.²⁸

Saxo, also anachronistically, connects King Frode's lawmaking with a constitutional question of contemporary importance at the end of the twelfth and the thirteenth centuries. This legendary king reportedly decided that refusing a royal order should lead to exile, and that an exiled individual attacking his

27 Saxo 5.5.1–3.

28 Ernst Andersen, *Træk af Juraens udvikling* (Copenhagen, 1970), p. 295; Christopher Brook, *The Medieval Idea of Marriage* (Oxford, 1989), p. 56; Brundage, pp. 72–75; Georges Duby, *Medieval Marriage—Two Models from Twelfth-Century France* (London, 1978), p. 16.; Grethe Jacobsen, *Kvindeskikkelser og kvindeliv i Danmarks middelalder* (Copenhagen, 1986), p. 175.

countrymen should lose their life and property.²⁹ The importance of the issue of lese-majesty and high treason in Saxo's time and throughout the thirteenth century is even more clearly reflected in his tale of King Cnut the Great's law of the retainers of the court. Saxo explains the legal procedure of these law-suits in detail. In contrast to the very serious cases of high treason, he puts great emphasis on *ordo iuris* in ordinary cases of violent attacks and murder among the retainers. The canonical *ordo iuris* was only well established by the late twelfth century,³⁰ i.e. in Saxo's time, but he applies this institute to Cnut the Great's law of the retainers allegedly from around 1020. "Full proof" by the testimony of two fellow retainers who testified under oath that they personally had been present at the event was required to judge an assailant or murderer. And it was not permitted to refuse an accusation supported by full proof of two witnesses, neither by the accused nor with the support of a third party. "The witnesses were attributed such importance that it was considered madness bordering on blasphemy to challenge their statements", Saxo concludes. Just the opposite was true in cases of high treason (*lese maiestatis propensior*). In these cases, eyewitnesses were not needed. In cases of lese-majesty "trust was usually fastened in the heard", as Saxo puts it.³¹ The high treason procedure at Cnut the Great's court around 1012 seems to resemble the inquisitorial procedure introduced in canon law in Saxo's days.³² This, of course, casts doubt on the credibility of Saxo's story about Cnut's law, but it shows again how well informed Saxo was on canon law. Presumably he was not the only one at the top of Danish society preoccupied with these legal issues. This is documented by one of the ordinances on high treason (*lese maiestatis*) issued by the Danish kings discussed below.

Sven Aggesen

This correlation to canonical inquisitorial procedure cannot be established in the version of the law of the retainers attributed to King Cnut the Great written down by Sven Aggesen in the late twelfth century. Still, canonical "full-proof" appears in this version of the law. Cases of violence should be brought for a meeting called *Huskarlestefne*, and the plaintiff should be able to prove the accusation with the witness of two warriors who confirmed their testimony with an oath sworn on the sacraments.³³ The penalty for assaulting

29 Ibid. 5.5.5.

30 Brundage, p. 93.

31 Saxo 10.18.8–9.

32 Brundage, pp. 93–95.

33 Aggesen, *Lex Castrensis*, pp. 76–79.

a fellow warrior was to compensate him with forty marks and pay the king and the assembly of fellow warriors forty marks each.³⁴ Forty-mark penalties also appear in early urban laws, and they were generally more common in town laws than the provincial laws. The number of forty-mark penalties increased in step with the rise of royal legislation in the thirteenth century.³⁵

The origin of the law Sven described is more or less in accordance with Saxo's edition, probably from a few decades later. It is a law given by a great king with advice of prudent old men in order to unite his non-homogeneous warriors from all sides, and make them into an obedient army (*tinglith*) for the king, "like limbs subject to one head".³⁶ Saxo claims that nobility, fame, and honour followed from bravery. If a slave went to battle as a standard-bearer, he was made free, if a peasant did it, he was turned into a nobleman, and if a man who was already free showed such bravery, he was made an earl.³⁷ In Sven Aggesen's version of the *Lex Castrensis*, the men were seated according to their merits and virtue because King Cnut wanted to be close relations to men of high descent and wealth. Only rich men who could afford appropriate arms were to approach the king and associate with him. Those who came of better lineage and were brought up in richer families had the virtues and abilities to be the king's close warriors.³⁸ This together with Saxo's account of how a writ should be served once at the property of the accused and twice at the king's court³⁹ and the feudal ethics, which can be found in Sven Aggesen's version,⁴⁰ have given reasons to believe that the law was agreed upon as a contract between the king and the magnates of the realm.⁴¹ *Lex Castrensis* has been considered the first

34 Ibid. p. 84.

35 KLMN, vol. 2, col. 529.

36 Aggesen, *Lex Castrensis*, pp. 68–71.

37 Saxo 5.5.5.

38 Aggesen, *Lex Castrensis*, pp. 66–69.

39 Saxo 10.18.8.

40 Aggesen, *Lex Castrensis*, p. 74.

41 It has been argued that the group of king's retainers expanded in the period 1159–1221 and transformed into the group of the magnates of the realm. Therefore, *Lex Castrensis* was outdated when it was written down insofar as the group of persons it aimed at could no longer be called the retainers. It has also been observed that the law was not simply given by the king, it was negotiated between the king and his men. Jørgensen, *Dansk Retshistorie*, pp. 47–48. In addition, *Lex Castrensis* is not a military law in the classical sense but a *tractatus* "about a particular system of law", which explains how this system originated and underwent modification in the course of time. *The Works of Sven Aggesen*, trans. Eric Christiansen (London, 1992), pp. 12–13.

national Danish law regulating relations between the king and the magnates, as well as the internal affairs of the latter.⁴²

In some passages in reproductions of the law it is held that the king gave the law, although he admittedly took advice from wise men from Zealand. In other passages in the law, it is quite clear that the king's power was not absolute—the law was a *contractus* between the king and his men. The king was even punished when he broke the law—the king was not above the law. The question is, however, whether the law was in force when it was purportedly reproduced on Archbishop Absalon and King Cnut VI's orders sometime in the last two decades of the twelfth century.

In addition to Sven Aggesen's and Saxo's Latin reproductions of the law of the retainers, Danish versions of the law are handed down to us in copies, the earliest of which is dated to the middle of the fifteenth century.⁴³ This copy of the law begins with the words: "This is the *witherlax* law, which King Cnut, Valdemar's son, and Archbishop Absalon ordered to be written down as it was in old Cnut's days". Sven Aggesen tells that Absalon wrote down the old law to the benefit of his pupil, the young King Cnut VI.⁴⁴ Aggesen's interpretation has been supported by the argument that the old strict law of the retainers had a practical purpose in the late twelfth century, when the group of king's retainers was successively transformed as still more chieftains and great farmers entered the group of *housecarls*.⁴⁵ It is a dubious reading. Moreover, Aggesen's story about how old laws that had fallen into disuse were brought to life again is probably a rhetorical reference to Emperor Justinian's collection of his *Codex* and *Digesta* in the 520s and 530s. The law Saxo and Sven Aggesen attributed to King Cnut the Great was probably constructed by the latter about one and a half centuries after the great king had passed away.⁴⁶ That does not mean that this construction was law enforced in Valdemar I's and Cnut VI's reigns. Saxo exclusively relates the law to King Cnut the Great's lawmaking in the eleventh century.⁴⁷ Not even when he reports Cnut VI's meeting with the nobility of the realm on the Isle of Samsø in 1184 to negotiate a political issue and "to improve

42 Fenger, *Fejde og Mandebod*, p. 436.

43 *DDR*, p. 1.

44 Aggesen, *Lex Castrensis*, p. 31.

45 Jørgensen *Dansk Retshistorie*, p. 59.

46 Christiansen, *The Works of Sven Aggesen*, p. 10.

47 Tage E. Christiansen, "Isti tres fratres. Broderlisten i Kong Valdemars Jordebog", in *Midde-lalderstudier. Tilegnede Aksel E. Christensen*, ed. Tage E. Christiansen et al. (Copenhagen, 1966), p. 83.

the civil laws” does Saxo mention *Lex Castrensis*.⁴⁸ If *Lex Castrensis* had been negotiated, promulgated, and put into force on that occasion Saxo would hardly have failed to state this explicitly. In addition, the original manuscript of the law King Cnut and Archbishop Absalon reputedly had written down is lost.

Sven Aggesen tells that he merely translated this original manuscript into Latin.⁴⁹ Theoretically it is possible that Aggesen translated an original law in Danish into Latin, but we do not know. However, we can with greater certainty assume that the earliest Danish copy of the law from the fifteenth century was influenced by Sven Aggesen's text. Perhaps it is even a construction based on Aggesen's text. His version of the law is much longer than the fifteenth-century transcript. The fifteenth-century document also omits a provision mentioned by Saxo.⁵⁰ Aggesen's construction of the law is older than Saxo's and there are many indications that Saxo's text was influenced by his predecessor's.⁵¹ Therefore, it can be concluded that Aggesen's version of the law is the oldest, and Saxo's version, a few decades younger, is partly built on Aggesen's text, while the manuscript from the fifteenth century does not have much value as a source for the legal history of the late twelfth century. *Lex Castrensis* has hardly ever been a law in force. Sven Aggesen's and Saxo's accounts of the law are adequate sources for the study of the judicial and constitutional thinking, rather than actual legal history, of the late twelfth and early thirteenth centuries. There is no extant law of the retainers available today, only accounts of it—it is dubious if there ever was an actual *Lex Castrensis*.

Extant Laws and Ordinances before 1241

Valdemar's Law of Zealand

It was mentioned in the introduction that it has been suggested that the first of the provincial laws was promulgated by King Valdemar I. It has been held that despite its name, King Valdemar's Law of Zealand, which it received later, the law originates from Valdemar I's reign in Jutland 1154 to 1157, when the realm was divided between three kings—cf. note no. 1. A more recent dating of

48 Saxo 16.4.2.

49 Ibid. pp. 64–65; “Vederloven”, *DDR*, pp. 1–5.

50 Christiansen, *The Works of Sven Aggesen*, p. 6.

51 Karsten Christensen. “Forholdet mellem Saxo og Sven Aggesen”, in *Saxostudier*, ed. Ivan Boserup (Copenhagen, 1975), p. 136; Mia Münster-Swendsen, “Saxos skygge—Sven, Saxo og meningen med *Lex Castrensis*”, in *Saxo og hans samtid*, ed. Per Andersen and Thomas K. Heebøll-Holm (Aarhus, 2012), p. 94.

the law, we previously saw, related to events marking the prime of Valdemar's reign of the united kingdom of Denmark around 1170—cf. note no. 3. That year the *Annales Ryenses* from the Cistercian monastery in south Jutland reports that “leges danorum edite sunt”.⁵² Alternatively it has been suggested that the aforementioned meeting at the isle of Samsø in 1184 recorded by Saxo, where the *ius civilis* was improved, was the occasion when the law came into being. The argument for placing the origin of King Valdemar's Law of Zealand and not *Lex Castrensis* at the Samsø meeting in 1184 is that the phrase *ius civilis*, used by Saxo, hardly refers to a military law.⁵³ But then again it is debatable whether *Lex Castrensis* is a military law or a constitutional regulation of the relations between the king and his aristocratic supporters. The origin of King Valdemar's Law of Zealand is open to discussion, both when it comes to its dating and the question of whether it was a royal law or a mere collection of laws, a law-book. The law text does not mention any king as its originator or anything about the genesis of the law at all. Nevertheless, the king appears repeatedly in the law even though references to the king and his bailiff increase considerably from King Valdemar's Law of Zealand and the Law of Scania to the Law of Jutland and Eric's Law of Zealand.⁵⁴ The king's role in the creation of King Valdemar's Law of Zealand is indicated by the fact that the law shows the king as the preeminent leader in the church's vision of the Peace and Truce of God, and even more so by the law's intention to bring revenge killings to an end. The latter must be seen as part of the king's attempt to bring the autonomous, fighting clans to heel.

The oldest version of King Valdemar's Law of Zealand deals with laws on wills and succession and criminal law. Book three of the law begins by defining *orbodemaal*. This category of offences is clearly inspired by canon law and a royal wish to bring an end to revenge killings. If a man kills another man at his premises, the churchyard, or the thing, or kills a man who has paid the full penalty for his crime, then it is *orbodemaal*. In these cases, the king shall take everything the offender owns, with the sole exception of land. Landownership had, as will be shown in the chapter on ownership, a special status as family property in contrast to movables which had the legal status of individual private property. Likewise, the king has the right to confiscate a man's property if he kills another man who has killed one of his relatives, after he and his relatives have accepted safe conduct for or compensation from the killer. *Orbodemaal*

52 DMA, p. 166.

53 Gelting, “Pope Alexander III”.

54 Per Andersen, *Rex imperator in regno suo. Dansk kongemagt og rigsgivning 11200-tallets Europa* (Odense, 2005), p. 97.

defined crimes that led to outlawry and could not be atoned for with fines. The king was not allowed to accept payment in return for the lawbreaker's peace without the consent of the nearest relatives of those killed.⁵⁵ Thus, in Valdemar's Law of Zealand, the king was deeply involved in the prosecution of these serious crimes. Moreover, he was also involved in the prosecution of a number of crimes implying heavy fines. One of these was the offence of avenging the killing of a relative after compensation was accepted. The purpose of the act was to bring revenge killings between the families under control. To avenge a murder was considered vigilantism. The killer should be outlawed in public at the thing. This meant that anyone could legally beat the murderer to death, unless the offended family allowed the killer to buy his peace from the king.⁵⁶ We have just seen that the king had the right to confiscate the property of a man committing revenge killing after safe conduct or compensation was agreed. The fine for this crime was called the blood money and added up to the enormous sum of forty marks to the king and forty marks to the kinsmen of the killed.⁵⁷

A number of other offences were fined at the same heavy level. Violent revenge assaults that resulted in physical injuries, assaults at the thing, and disturbing the market peace by killing or physically hurting a man was to be fined forty marks to the assaulted party and forty marks to the king.⁵⁸ Forty-mark fines to the king and injured parties should likewise be, according to the law, the sentence for vandalism and violation of people at their own premises, arson of houses, mills, and stables, detention, and rape. Lesser offences like vandalism or arson of fences would by law trigger three-mark fines to the king, while the Crown was not involved in a number of minor offences. Petty crimes should be compensated for to the injured party only.⁵⁹

55 *Valdemar's Law of Zealand* 3.1, 3.2.

56 *KLNM*, vol. 14, cols 592–596.

57 In comparison, the annual income from the royal mint at Lund around 1231 was 864,000 *penning* or 3,600 marks. The plough tax according to two laws from 1251 and 1252 was one *øre penning* per plough. The arable land of the chapter at Aarhus was around 1315 “measured in marks and *øre* and represents the cost of seed needed to sow that particular area. The entries range from two *øre* of seed to about 70 on the greatest estates ... At Hinnerup, the land is estimated in the survey to 24 *øre* of seed. The national survey carried out in 1688 records tilled fields at Hinnerup amounting to 217 *tønder land*”. One mark = eight *øre* = three *ørtug* = 10 *penning*. Hybel and Poulsen, *The Danish Resources*, pp. 137, 327, 331, 332.

58 *Valdemar's Law of Zealand* 3.1, 3.16.

59 *Ibid.* 4–8, 10–14, 17–20.

Orbodemaal and the forty-mark crimes, taken together with the peace-keeping law protecting victims' premises, churchyards, and the things, were obviously inspired by the church's peace law and in that ideology, as we have seen in the chapter on a *speculum regale*, the king played a very important part. It was the king's duty to protect the church and keep the peace. It is, therefore, not surprising that the king in King Valdemar's Law of Zealand acts as guarantor that the judgements of these serious crimes were implemented, nor that he, in return for his efforts as the executive power should confiscate the most serious offenders' property and receive forty-mark fines from the second most serious offenders. Still, in the law text the king does not explicitly appear as lawmaker or legislative power. Therefore, as mentioned at the beginning of this chapter, King Valdemar's Law of Zealand has traditionally been held as a law-book and not a law promulgated by King Valdemar or any other king.

The theory in more recent historiography, linking together the origin of the law with the heyday of Valdemar I and his son Cnut VI, is not necessarily strengthened by the fact that the king plays a prominent role in the provisions on the most serious crimes. The king as the defender of peace was simply an integral part of the church's general understanding of peace in the late twelfth century when the law was written down. Since the law is written in vernacular it is reasonable to think that the authors were men with great knowledge of customary law and obviously also some insight into canon law. It has been suggested that the early laws were initiated by leading men at the provincial things, and that no official public authority was behind the writing down of these laws laid down by the people and developed through legal usage and negotiations at the things. Legally the king had no greater authority than other members of society, it has been held.⁶⁰ This perhaps traditional view is, of course, challenged by the more recent theory of the origin of King Valdemar's Law, and even more so by the fact that an obvious intention of the laws was to control revenge killing and in doing so challenge the right to feud. It must, however, be stressed that the name of the law is an anachronism and also that the law is a normative source. We have only few opportunities to check the king's actual role in legislation and jurisdiction in the light of other sources from the second half of the twelfth century. We do not know to what extent the law was in force in the late twelfth century. Perhaps King Valdemar's Law of Zealand merely reflects wishful thinking in respect to the king's role, inspired by canon law.

60 Jørgensen, *Dansk Retshistorie*, pp. 16, 18, 24–25.

Ordinance of Lese-Majesty

However, we have a royal ordinance of high treason (*lese maiestatis*) which can perhaps be dated to roughly the same period. In the publication of the source it is dated to King Christopher I's reign, 1252–1259. This dating is based on the heading of one of the nine copies of the document from the fifteenth century. The original is lost. The heading of this particular copy states that the ordinance “is given by King Christopher at a parliament (*danehof*) at Nyborg”. The editor finds it reasonable to attribute the provision to King Christopher I.⁶¹ The provision provides that any conspiracy against, support of enemies of, or attack on and destruction of the realm, the king, the bishop (presumably the archbishop), the duke, the queen, or the king's children, shall be punished with loss of life and property. Thus, conspiracy against or destruction of the realm are not only crimes against the king's person, but against the kingdom as an institution, i.e. the king, the queen, and the king's children, the archbishop and the duke, the king's council, in sum the whole of the realm. This institutional understanding of kingship stems from Roman law and is found in the Middle Ages, perhaps for the first time, in Emperor Frederick Barbarossa's *Roncaglia* provisions from 1158. Hereafter it appears to have become a common understanding of imperial and royal institutions in constitutional thought. Political thinkers realized that the king could not be isolated from the other elements in the governmental body, and began using the terms “the Crown” and “the realm” synonymously with the king and his power base, the council, and the royal officials.⁶² We have previously seen this institutional outlook on government in Danish narrative sources, simultaneously with or shortly after this understanding had its breakthrough in Europe; for example, in Saxo Grammaticus's *Gesta Danorum*.

The archbishop would hardly have been included if this lese-majesty ordinance was issued by Christopher I. The entire period of his reign was marked by a bitter conflict between the king and Archbishop Jacob Erlandsen.⁶³ Therefore, it has been suggested that the provision fits much better into the political situation in the years 1192–1197 when Archbishop Absalon was King Cnut VI's adviser and teacher. In addition, it has been argued that the provision is in line with the church laws for Scania and Zealand from 1171–1174, when it requires unanimity of the board of witnesses that may acquit the accused by support-

61 *DDR*, I, p. 58.

62 Paul Willem Finsterwalder, “Die Gesetze des Reichstags von Roncalia vom 11. November 1158”, *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Germanische Abteilung* 51 (1931), 1–69; Jean Dunbabin, “Government”, in *The Cambridge History of Medieval Political Thought*, ed. J.H. Burns (Cambridge, 1997), pp. 498–504.

63 Niels Skyum-Nielsen, *Kirkekampen i Danmark 1241–1290* (Copenhagen, 1963).

ing him and his reputation. It has been held that the ordinance of high treason was a response to the Bishop of Schleswig Valdemar Cnutson's rebellion against King Cnut VI in 1192.⁶⁴

The rules of evidence in the ordinance of high treason required that the king's accusation is fully witnessed by two well-respected men. We saw previously that full production of evidence by two men was needed to accuse an assailant or murderer in Saxo's version of the law of the retainers. This can also be found in King Valdemar's Law of Zealand.⁶⁵ Full proof was the general standard in Sven Aggesen's *Lex Castrensis*, while in Saxo's version of the law we saw that eyewitnesses were not necessarily needed in cases of high treason (*lese maiestatis propensior*). These provisions match the ordinance of high treason when it orders that "... all the convicted belongings accrue to the king's purse". The same is true "... if a person is convicted on suspicion alone to help the enemies of the kingdom or participate in an illegal attack on the kingdom".⁶⁶ The convergence of views on matters of high treason shows how well informed Danish scholars were about current trends in canon law, and confirms the dating of the ordinance of lese-majesty to the end of the twelfth century. In addition, this convergence of views suggests that the author of the ordinance and Saxo were standing close to one another. It is highly likely because Saxo's work was ordered by Archbishop Absalon, who was a very close friend and advisor of Valdemar I and his son Cnut VI's teacher and advisor.

Cnut VI's Ordinance of Homicide

The latter issued the first ordinance explicitly mentioning who gave it and when it was issued. In an open letter addressed to all honourable men living in Scania. "Cnut, by the Grace of God the Danes' and the Wends' King Cnut, assumes the call God has assigned to him to take care of the Scanian's good and peace." Because the king from "good men in your country [*terram*] and the common people [*vulgari*] as well, have learned that your country is afflicted with homicide more than any other part of our realm [*regni nostri*]", and because the killers even profit from their crime by forcing their relatives to pay for them the king decides on a number of provisions to meet this odious

64 Niels Skyum-Nielsen, "Review of T. Riis, Les institutions politiques centrales du Danemark 1100–1332", *HT* 2 (1980), pp. 525 ff.

65 For example, in *King Valdemar's Law of Zealand* 3.4.

66 "... si fugerit uel punitus fuerit, omnia bona eius fisco applicabuntur. Si autem quis super suspicione sola conuictus fuerit uel captus fuerit, omnia que fuerunt sua ad heredes suos uoluantur, nisi talis publicis inimicis regni adhererit aut regnum impugnauerit iniuriouse." *DDR*, 1, p. 59.

practice. The first of the provisions orders that the killer must pay one third of the compensation to the victim's family. And the murderer's kinsmen are not obliged to pay their share of the fine before the day and hour that the killer shall pay the claimant family. If a murderer forces a relative to pay, he will be fined three marks to the king and three marks to the injured, and if he seizes something he shall be taken to the thing and sentenced to be hanged as a thief. Reluctant relatives must be forced to pay their share of the fine by their fellow kinsmen and if they cannot make them pay the king will assist them.

The ordinance also included provisions against offences of peace according to canon law, i.e. the killing of a man in his house, when he ploughs, or when a man has taken up residence after he has put his weapon down. In these cases, the killer must pay blood money and in addition forty marks to the king and to the offended family for vandalism. The most serious crime dealt with in the ordinance is revenge killing after compensation has been paid by the murderer and his kinsmen. The revenge killer will be outlawed, the king will confiscate his movables, and the guilty shall never have his peace back.⁶⁷ This is a serious tightening of the penal provision of revenge killings, which we previously found in King Valdemar's Law of Zealand.⁶⁸

King Cnut VI's ordinance of homicide for Scania is enacted in the town of Lund ("actum in civitate Lundensi") in 1201 in council with (*assidente*) Archbishop Absalon of Lund. Obviously, it is an ordinance given by the king, "but although it is in the king's power to give or change laws, we did not write a new law, because it was clear in ancient times, and we now make it reappear in human memory, from which it had disappeared", it is stated.⁶⁹ Thus, the king finds that he has the power to make new laws, change old laws, and even to revive old, forgotten laws. The latter claim we came across earlier. Probably it is just an effort to root the ordinance historically. Nonetheless, the regulation itself confirms the king's perception of himself as a legislator. Whether the regulation in reality had the force of law is another matter, but the regulation was at least soon after included in the Law of Scania and later in Anders Sunesen's paraphrase of this law.

The Law of Scania

Some provisions in the Law of Scania differ from the corresponding provisions in the Latin text of the ordinance. For example, chapter eighty-five in the Law

67 *DD*, 1.4, no. 24.

68 *Valdemar's Law of Zealand* 3.2.

69 *DD*, 1.4, no. 24.

of Scania mentions the convicted killer's security oath to his kinsmen when they hand over their part of the exemplary damages to the injured family to him. This oath is not mentioned in the ordinance. Also in the Danish text of the law some places are more rigorously structured than the corresponding passages of the Latin text; for example, chapter eighty-nine of the law versus item 8 in the ordinance. The Law of Scania stresses in several places the king's role and directly refers to regulations as provided for by the king; for example, in chapter eighty-five. The latter reference shows that the originators of the law were aware that at least this part of the law was a royal provision. They seem also to have a realistic idea of monarchical legislative power. In chapter ninety it is stated: "When the king is in the country, each man shall have his peace. But if a man is killed during the time when the king is in the country, the killer shall lose his peace, and never have it back, unless he is ransomed, as the king and the murdered kinsmen will".⁷⁰ Thus, the law of homicide is not expected to be in force when the king is out of Scania, and the same is true of the law of violent crimes. The monarchical power to legislate and execute the law was restricted by the originators of the Law of Scania to the actual presence of the king and his retainers in the jurisdictional district. The king, in other words, did not have permanent legislative and executive power in the realm.

Valdemar II's Ordinances

Archbishop Anders Sunesen, in his Latin paraphrase of the Law of Scania, confirms that King Cnut VI's ordinance of homicide was adopted by the Law of Scania and introduces an intensification of Cnut's ordinance given by his brother and successor, Valdemar II. Sunesen tells that "leading men of Scania recently passed a law with King Valdemar's approval". The legislative body is here defined as the leading men of the province and the king, i.e. a monarchical institutional legislative body. We only know that law because of Sunesen's reference to it. Anders Sunesen was a learned scholar and it is therefore no great wonder this institutional body reportedly intensified the ordinance of homicide in accordance with canon law and the church's aspiration to individualize crime and stress the importance of personal guilt and responsibility. The law namely orders that the killer must pay the whole sum in penalty to the family of his victim, if his kinsmen are unwilling to help him so "that an innocent man shall not carry the burden of a guilty man's deed". If Anders Sunesen can be trusted, Valdemar II intensified Cnut VI's former ordinance of lese-majesty. According to Cnut VI's ordinance, the king could take the criminal's moveable

⁷⁰ *The Law of Scania* 85–91.

property. Valdemar II's ordinance decided that, "when someone feuds with the king, dares to attack his realm" the king even has the authority to confiscate his land. Valdemar II's ordinance of homicide, like Cnut VI's, was only in force while the king was present in Scania, i.e. the diocese of Lund.⁷¹

Besides Anders Sunesen's account of the ordinance of homicide for Scania, approved by Valdemar II, only two royal ordinances from Valdemar's long reign (1202–1241) exist. They are handed down to us in later transcripts. Not long after the Fourth Lateran Council in November 1215, the eighteenth canon prohibited clerics from taking part in purgation by ordeal of boiling or cold water or of the red-hot iron, saving nevertheless the previously promulgated prohibitions regarding single combats and duels,⁷² King Valdemar II decided to obey "this general command". Advised by the best men, after long detailed consideration of what evidence could replace ordeal by red-hot iron, the king decided that one accused of theft should instead defend himself by a commission of fifteen men from the district, selected by the prosecutor. The accused could dismiss three of the men. The remaining twelve had to take an oath "that they do not know truer on the defendant's case than they swear", and by majority vote either pass sentence or clear the accused. If the commission passed sentence "the convicted must return the stolen goods plus the double and the king's right". The ordinance promulgated various other provisions. One of them decides that if a sentence passed by the thing provokes dispute, the king's bailiff empanels twelve men from those present at the thing in question to settle the conflict.⁷³

Some twelve years later, King Valdemar II settled a conflict said to be between the natives of Funen and their bishop. The king commanded the bishop to give up the so-called autumn sacrilege (*hælg hæbrot*), i.e. fines for violent crimes in the period 28 July to 30 September. Nor must the bishop's bailiff allow the so-called bishop commission to swear about sacrilege in general, unless the injured party had already made their complaint at the thing or the damage is obvious. Instead the king, with the consent of the people of Funen, granted the bishop a number of rights, but these do not seem to have matched the bishop's economic loss. Therefore, "in order that the church shall not suffer too much damage because of the aforementioned provisions", the bishop shall receive half of the king's income from taking oaths from jurors and fines. The ordinance is given by the king in the year 1228 at Vordingborg in the presence of

71 *Anders Sunesen's Paraphrase* 45, 61, 61, *DGLK*.

72 <https://sourcebooks.fordham.edu/basis/lateran4.asp>.

73 *DD*, 1.5, no. 96.

Archbishop Peder, Bishop Peder, and Mr Jacob Sunesen.⁷⁴ It appears to be the king reclaiming half his former income from fines and court fees at the things in Funen, rather than what it claims by way of introduction—his desire to settle a conflict between the natives of Funen and their bishop. The ordinance is a royal dictate, whether it was obeyed is difficult to say.

Monarchical Legislation and Jurisdiction before 1241

King Cnut VI's ordinance on homicide from 1201 itself shows that the king and his closest counsellors considered legislation to be a royal prerogative. The adoption of the ordinance in the Law of Scania and in Anders Sunesen's paraphrase confirms this idea, and also that royal legislation actually influenced the development of common law at the turn of the twelfth century, but the monarchy was probably involved in lawmaking even earlier. If the criteria of the dating of the ordinance of lese-majesty, King Valdemar's Law of Zealand and *Lex Castrensis* and the consequent dating of them to the second half of the twelfth century, accounted for above, are accepted, all three of them can be taken as expressions of the monarchy's will to give laws and the first two as this institution's actual power to legislate. After Cnut VI's ordinance of homicide, the Law of Scania, Anders Sunesen's paraphrase, and the three known ordinances from Valdemar II's reign confirm the regulatory ambitions of the Crown, i.e. the king and his foremost clerics and laymen. Still, three ordinances from Valdemar's long reign, of which we only have second-hand knowledge of one of them, do not exactly witness great monarchical legislative achievements in the first four decades of the thirteenth century. Moreover, the lack of adequate sources from the twelfth and thirteenth centuries do not allow any evaluation of the extent the laws were followed in legal practice, i.e. if the laws and ordinances handed down to us were in force.

References to the king or his bailiff are still moderate in the two earliest of the so-called provincial laws, King Valdemar's Law of Zealand and the Law of Scania, but we have noticed that the Crown was involved in and entitled to collect heavy fines from the most serious crimes. This role of the king and his men in the laws indicates that the Crown was expected to have some executive power, at least the ability to back up the execution of convictions rendered by the thing. However, royal executive power was by all accounts limited to the king's actual physical presence. The crucial issue in King Cnut's ordinance of

74 DD, 1.6, no. 79.

homicide for Scania from 1200 was the revenge killing of a murderer after he and his family had paid exemplary damages to the victim's kinsmen and fines to the king. In the adopted version of this issue in the Law of Scania it is stressed that "during the time when the king is in the country, every man must have peace. But if a man is killed during the time when the king is in the country, the killer shall lose his peace and never have it back unless he pays it back, as the king will, and as the victim's kinsmen will". Anders Sunesen, in his paraphrase of the issue, states that the criminal shall be outlawed "if he dares to kill, while the king is present in the diocese, according to the new ordinance issued by King Valdemar".⁷⁵ It does not in general mean that murder convictions were not executed when the king was absent, only that the authors of the Law of Scania and Anders Sunesen meant that the execution of convictions required the king's presence in the country and diocese of Scania, in particular when the crime was in addition a violation of the peace of the church. Prosecution of revenge killing and violations of the peace of the church called for royal legal and physical action or, in other words, the king and his men's physical presence in the jurisdiction in question.

The same thing can be said about the ordinance of lese-majesty and crimes subject to *Lex Castrensis*. The prosecution of crimes subject to these laws of course required royal action. Who would otherwise defend against attacks on the kingdom and the Crown? Who else would meet high treason other than the party offended, namely the Crown. It can be argued that the ordinance of lese-majesty was issued in the last decades of the twelfth century, but it cannot be documented that it was in force at that time. *Lex Castrensis* was by nature a royal court. Whether it intended to regulate relations between the king and his retainers, or the magnates of the realm, or both, it was a royal court law instituting royal judicial power. It has been held that *Lex Castrensis* was a national law around 1200 but, as we previously argued, it is disputable whether the law was in force at that time. *Lex Castrensis* was hardly an actual law.⁷⁶

None of the ordinances discussed so far were intended to cover the whole Danish kingdom. King Cnut's ordinance of homicide from 1200 and Valdemar II's ordinance of ordeal of red-hot iron from 1216 covered Scania. Valdemar's ordinance of 1228 was reportedly an attempt to solve a conflict between the inhabitants of the island of Funen and their bishop. Provided the dating of the ordinance of lese-majesty to the 1190s is right, this is the earliest preserved

75 *The Law of Scania* 90; *Anders Sunesen's Paraphrase* 61.

76 Kai Hørby, "Velstands krise og tusind baghold 1250–1400", in *Gyldendal og Politikens Danmarkshistorie*, ed. Olaf Olsen, vol. 5 (Copenhagen, 1989), p. 128; See p. 157.

royal ordinance. It was also the most geographically far-reaching of the early ordinances, covering Zealand, Funen, and the small islands south of these two main Danish islands.⁷⁷ Still, it did not cover all the lands of the Danes. Neither did the two oldest bodies of laws known as King Valdemar's Law of Zealand and the Law of Scania; they were regional laws.

Extant Laws and Ordinances from 1241

The Law of Jutland

According to a long historiographical tradition, the body of laws King Valdemar II promulgated only a few weeks before he died in 1241 was also of provincial scope. The law is preserved in sixteen copies from the thirteenth and fourteenth centuries. Only two of them, dated to c. 1300 and c. 1340 respectively, mention in the preamble of the law that it was a law of Jutland, which it traditionally has been called. The earliest copy of the law is dated c. 1280. This copy does not give the impression that the law was intended to cover Jutland alone, and neither do the remaining thirteen copies from the thirteenth and fourteenth centuries. On the other hand, in many of the more than two hundred later copies of the law it is stated in the first sentence that "here begins the preamble of the law of Jutland". The historiographical tradition of associating the law with Jutland is rooted in this phrase and the fact that the law never had formal validity outside Jutland. Consequently, and because certain provisions in the law refer to the whole realm, it has been assumed that the law was originally intended to cover the entire Danish kingdom. For example, the king is entitled to recruit men "throughout his realm ... and the duke in his duchy and the other of the king's children or friends or counts can only enlist within their own jurisdiction or fief [*læn*] and the bishops must not recruit men outside their diocese".⁷⁸ However, because the king died shortly after the law was promulgated and due to opposition to the law in different parts of the country, it was only accepted by the thing at Viborg in Jutland, it has been argued.⁷⁹

The appearance and role of the Crown, i.e. the king and his bailiffs, is much more conspicuous in the Law of Jutland than in the earlier King Valdemar's Law of Zealand and the Law of Scania. Perhaps the most conspicuous sign of the

77 "Sed Feonia pro ii sysel, Sielandia pro tribus sysel et quelibet smalandarum pro i sysel computabitur, et quilibet in smalandis constituti in episcopatu, ubi eum rex sitauerit, sese purgabit", *DD*, I.4, no. 24.

78 *The Law of Jutland* 3.8.

79 Andersen, *Rex imperator in regno suo*, pp. 59–94.

Crown's aspirations to influence the law and take action in the administration of justice is the introduction of a royal institute of inquisition in the Law of Jutland, the so-called *sandemænd*. These men were to be appointed by the king and had to be sworn in by his bailiff, "that they not for goods or because of kinship or of bias will do anything in their duties than they find wisest and most truthful".⁸⁰ In contrast to the other witnesses mentioned in the provincial laws, the *sandemænd* were appointed for life and they should investigate the case in question before they vow and decide the matter. The requirement was to base judicial decision on positive proof. Therefore, there shall be eight *sandemænd* in each *herred* and local *sandemænd* from the towns and villages where the crime took place or the dispute in question arose, the law requires.⁸¹ The *sandemænd* must be landowners, and they decide by majority vote only serious cases, such as disputes of land worth more than one mark of silver, homicide, rape, vandalism, and detention. The *sandemænd* institution meant a clear harmonization of Danish rules of evidence to canon law. The phrase "the truth must always be stronger and dearer than proof by oath", in chapter seven of the second book of the law highlights this harmonization.⁸² Judicial decisions should no longer be based on negative proof produced by a number of more or less incompetent, perhaps strongly biased men who took the oath—in that they considered the oath, by which an accused renounced an indictment, to be true. Serious cases required inquisition of the factual matters and the involvement of an independent party, the Crown now represented by the *sandemænd*.

Already in 1218, Pope Honorius III had addressed Archbishop Anders Sunesen about this issue. The pope had heard that the law in the realm of Denmark accepted negative proof contrary to the canonical legal provision demanding positive proof. Thereby the accused "sometimes get men to clear them, who are just as criminal as themselves" wrote the pope. Therefore, he ordered the Danish archbishop not to accept negative proof at the church court, if positive proof could be produced.⁸³ In consequence, *sandemænd* were involved when King Valdemar II settled the conflict between the natives of Funen and their bishop in 1228,⁸⁴ but the canonical rule of positive evidence was only introduced in Danish secular law texts in 1241.

80 *The Law of Jutland* 2.4.

81 *Ibid.* 2.1, 2.11, 2.12, 3.46.

82 *Ibid.* 1.44, 2.1.

83 *DD*, 1.5, no. 140.

84 See note no. 74.

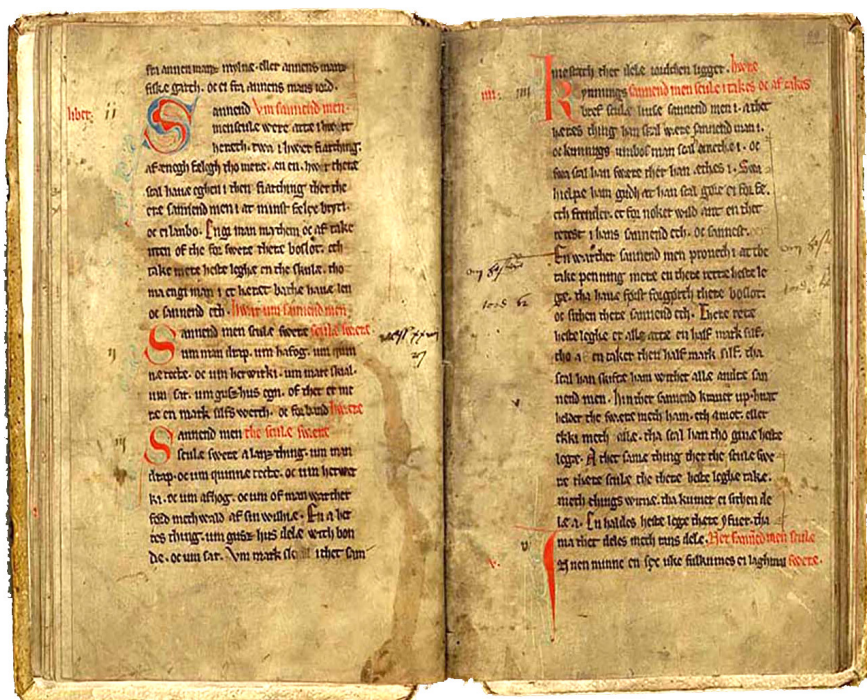


FIGURE 7 On sandemænd. *The Law of Jutland*, book 2, chap. 1–5. Codex Holmiensis 37, c. 1280. THE NATIONAL LIBRARY OF SWEDEN, STOCKHOLM, KEPT IN THE ROYAL LIBRARY, COPENHAGEN

The king's jurisdictional power is strengthened in several ways in the Law of Jutland compared with the earlier laws. In the latter, we saw that an accusation should be supported by full proof of two witnesses. In the Law of Jutland, this requirement is replaced by the king's right to give permission to prosecute at the provincial thing.⁸⁵ However, royal or public right to begin proceedings did not exist in the law. It was still exclusively a private concern. The Crown's claim to fines imposed is undiminished, and it should now even have a fine of twelve marks if a murder case is settled by the parties involved without the involvement of the *sandemænd*.⁸⁶ The king is entitled to forty-mark fines because of breach of the peace according to canon law. In addition, forty-mark fines are imposed on the one who kills a fellow warrior in war (*i lething*) or in the *herred* where the king is ("æth I thæt hærræth thær kunung ær"). In the early

85 Ibid. 2.10.

86 Ibid. 2.13.

laws, it is unclear whether killings in the king's presence, diocese, or province were considered aggravating circumstances. The Law of Jutland made quite clear that it was subject to aggravated circumstances to kill when the king was present in the *herred*.⁸⁷ An enhancement of the king's role in the crucial cases of revenge killing after fines had been paid can also be detected in the Law of Jutland. In the early laws the offender could be outlawed. Now the king could impose the death penalty on the offender and have him beheaded. Likewise, a man outlawed because of arson solely on basis of proof by oath could be pardoned by the king.⁸⁸

On the other hand, the oaths presented by the *sandemænd* appointed by the king could be questioned by the bishop and/or the men in the village where the crime had taken place. If the *sandemænd* disagree, the majority decision stands unless eight of the best and most trustworthy villagers and the bishop testify that the *sandemænd* have acted against the law or done wrong. If they produced a unanimous oath which is an obvious perjury, the majority of the good men in the village can take legal action against the *sandemænd* "because the truth shall always be stronger and dearer than proof by oath", the law makes clear.⁸⁹ The authority of the royally appointed *sandemænd* was, according to this provision, ultimately restricted by the villagers' right to challenge this royal legal institute by virtue of their common sense and knowledge of the local conditions.

The Law of Jutland in many ways marks advances of the Crown's influence on legislation and law enforcement, but this royal progress was still delimited by custom. The law appears much more modern than the other provincial laws and reveals on many issues influences from both canon law and royal power. This is especially visible in the design of the procedural rules in criminal law. The king had, according to the preface of the law, a special responsibility to maintain peace and justice. The Law of Jutland introduced royal legal institutions to take decisions in criminal cases, especially cases concerning breaches of the peace, which it was the king's duty to counteract, but also gave the Crown a substantial income. The *sandemænd* institution in particular occupied a special position in the legal process. This is seen in the fact that the *sandemænd* were appointed for life by royal letter, and that they could forfeit their landed property to the king if they neglected their duties. The *sandemænd*'s apparent inquisitorial duty of finding the truth, as determined in numerous places in the

87 Ibid. 3.22.

88 Ibid. 3.23, 3.66.

89 Ibid. 2.7.

law, is manifestly influenced by canon law as it corresponds to the resolutions of the Fourth Lateran Council in 1215, which introduced exactly this type of procedure in the ecclesiastical courts.

The reigns of Valdemar I and his two sons, Cnut VI and Valdemar II, have been labelled the glory days of the Valdemars.⁹⁰ This reportedly golden age of medieval Danish kingship culminated with the adoption of the Law of Jutland. It was discussed above whether the law was intended as a national law. This question cannot be determined with certainty. It is clear, however, that throughout the Late Middle Ages the law only covered the judicial district of Jutland. Around 1300, a revision of this provincial law was made by an amendment to the law, the so-called *Thord Articles*. The Law of Jutland from 1241 was the last major body of Danish laws before it was repealed by “Danske Lov” of Christian V from 1683. Still, several of the provisions from the provincial Law of Jutland were continued in this first nationwide Danish law. The descendants of Valdemar II were not great lawmakers, but a number of royal ordinances and drafts of ordinances have been handed down to us from the rest of the thirteenth century, following his death in 1241.

The Abel-Christopher Ordinance

The first of Valdemar II's sons following him on the throne, Eric (1241–1250), has not left any decrees to posterity, but the next two of Valdemar's sons, Abel (1250–1252) and Christopher (1252–1259) made two ordinances which in aggregate have been called the Abel-Christopher Ordinance by historians, because they are almost identical. The major difference between them is the order of the provisions. They are both undated and today only exist in Latin and Danish copies from the fifteenth century.⁹¹ The overall aims of this body of ordinances were to enhance the authority and power of the Crown, and to regulate the relations between the mighty and powerful men in the realm. The first two provisions in Abel's ordinance, number seven and nine respectively in Christopher's, meet the first aim by ordering that neither the king, archbishop, bishops, nor the counts may recruit from among the men who contribute to and serve in the navy, i.e. the military forces of the realm. If this provision could have been carried out it would have implied a great strengthening of the Crown's military power and authority at the expense of the king's and the ecclesiastical and lay magnate's ability to pursue their personal military, social, and economic aspirations. The provision enhanced the previous restrictions

90 Kristian Erslev, *Valdemarernes Storhedstid. Studier og Omrids* (Copenhagen, 1898).

91 *DDR*, I, pp. 43–58.

on enlistment of soldiers mentioned in the Law of Jutland, book three, chapter eight,⁹² and makes a clear distinction between the king's personal interests and the Crown's.⁹³

Provision number thirteen in Abel's regulation enhances the king's legal authority by determining three-mark fines on individuals ignoring the king's written order to appear before the thing. The second provision in Abel's ordinance, number nine in Christopher's, tries to protect the Crown's fiscal interests by ordering that he who sells his land and still lives on the land as tenant, is still liable to pay taxes. In the corresponding chapter of Christopher's ordinance, it is added that if the vendor moves from the land and it is bought and used by a person or institution free of tax, it becomes tax-free land.⁹⁴ These provisions were attempts to ensure that taxable land was not lost to the Crown by way of a freeholder's sale of their property to a privileged person or institution free of tax. If the vendor stayed on the land sold, he changed his social and economic status from being landowner to tenant farmer paying rent to the buyer for making his living on the transferred plot of land. There were several good reasons besides escaping taxation for a peasant freeholder to sell his property to a stronger privileged party in the second half of the thirteenth and the beginning of the fourteenth centuries. One of them was to seek protection during times of trouble. Around 1300, abandonments of freeholds seem to have been a general trend, although there were still many freeholders at that time. During the Late Middle Ages this trend led to the peasantry's gradual loss of landownership. Tenant farmers also lost legal capacity and on Zealand they even became bond men.⁹⁵ Around 1500 only 15 per cent of the peasantry were freeholders liable for royal taxes.⁹⁶

The Roman legal notion of lese-majesty, as we have already encountered in earlier royal regulations, is continued in Abel and Christopher's decrees.⁹⁷ The demand for the death penalty for lese-majesty in chapter ten of Abel's decree corresponds to the strict punishment in the previous ordinance on lese-majesty from the 1190s. Unlike this early ordinance, Abel's and Christopher's ordinances from half a century later do not define what it meant by *lese maiestatis*. Theoretically it gave the Crown a free hand to pursue its opponents through the courts. On the other hand, unlike Cnut VI's ordinance on lese-

92 See note no. 78.

93 *The Law of Jutland* 3.8.

94 Cf. *ibid.* 3.18.

95 Hybel, *Danmark i Europa*, pp. 254–257.

96 See the chapter, Landownership, note no. 89.

97 Jørgensen, *Dansk Retshistorie*, p. 137.

majesty, neither Abel's nor Christopher's decrees provide legal basis for judging the majesty crimes on suspicion alone.⁹⁸

It has been discussed whether Abel's ordinance on lese-majesty was the first national law besides the *Lex Castrensis*. Previously it was doubted whether the latter was an actual law around 1200.⁹⁹ We have also referred to the debates over whether the Law of Jutland was originally intended to be a national law. On the other hand, it has been held that Abel and Christopher's ordinances were never promulgated and that they were drafts merely showing the king's intentions.¹⁰⁰ Actually it could be argued that the first ordinance of lese-majesty, dated shortly after 1192 and attributed to King Cnut VI, was the first national law, but then again it cannot be established with absolute certainty that this law was in force either. It might—like Abel and Christopher's ordinance of lese-majesty—simply have been an unpublished draft expressing the king's or more likely the Crown's interests.

Eric Glipping's Draft

The same can be said for the remaining royal regulations up to 1300. This at least is true about the ordinance that King Christopher's successor, Eric Glipping (1259–1286), drafted in 1276. This draft is only transmitted in a single contemporary manuscript. The fourth provision in the draft ends with a comment that all the above-mentioned four provisions were not accepted by anyone in the realm. The fifth and last provision about murder committed in churches or at the thing was later issued as an ordinance in 1282, but only for the district of Bara in Scania. In this document, we hear about a royal court of justice for the first time. The king promises the men in Bara that when they let the king settle their lawsuits, and thereby recognize him as their king and judge, he will ensure justice and peace in abundance among them in all aspects of life.¹⁰¹ The first four provisions of the 1276 draft regulate the subject's allegiance to their lord. In principle it could have been in the magnates' interest but it was apparently, and for good reasons, not acceptable for the aristocracy that a disloyal lawbreaker's property accrued to the king, who also put together the juries to judge in these matters, as the first provision of the draft determines.¹⁰² The draft is intended as a regulation of subject's relations to their lord in general, and thus probably had to be in the great men's interest, but this intention was overshadowed by the

98 See pp. 161–162; Fenger, *Fejde og Mandebod*, p. 438.

99 See p. 157.

100 Andersen, *Rex imperator in regno suo*, p. 113.

101 *DD*, 2.3, no. 21.

102 *DDR*, pp. 60–61.

regulation that if it had been adopted it would have strengthened the Crown's jurisdictional rights significantly. This was not acceptable to the magnates. This is also indicated by the *Annales Lundenses*, when it reports that King Eric the same year at a general council in Nyborg wanted the magnates to pay homage to his son, Eric Menved (1286–1319), as co-regent, and that it happened without his powerful steward (*maroscalo*) Stig's consent.¹⁰³

The Vordingborg Ordinance

The support of the most important magnates was a precondition of royal legislation, and only six years later, on 19 March 1282, King Eric gave a law "on the advice of all Danes" and in the presence of a number of bishops and counts in addition to the best men of the realm.¹⁰⁴ The manuscript is not passed in full official form, and seems to have been preliminary work for a charter issued four months later on 29 July. We will resume the discussion of this relationship and in particular the analysis of the latter document below. The most interesting thing in the 19 March document is the detailed account of the important legal institution letters patent (*konung bref*). We have seen that the king had an active role helping people carry out sentences passed at the local thing from at least around 1200. We found written royal orders to respect verdicts for the first time in King Abel's ordinance from 1251. The document of 19 March 1282, together with minor alterations in the 29 July charter, form the basis of the procedure of executive prosecution by royal letters patent all the way to the sixteenth century. According to the 1282 regulations, a party that had obtained a judgement at the thing or unsuccessfully sued their counterpart could obtain the king's help to pursue the case through prosecution based on royal letters patent. The king's first letter gave the defendant fifteen days to appear at the thing. The second letter allowed a ten days' time limit and the third five, while the defendant had to respond immediately after having received the fourth and last letters patent. This time limit of one month in total corresponds to the canonical deadline from the first reminder until excommunication. Contravention of each of the four royal letters patents was fined and the king could seize the defendant's real estate.¹⁰⁵

103 *DMA*, p. 66.

104 *DDR*, pp. 61–72.

105 Henrik Lerdam, *Kongen og Tinget. Det senmiddelalderlige retsvæsen 1340–1448* (Copenhagen, 2001), p. 38.

Monarchical Legislation and Jurisdiction from 1241

An attempt at making a national body of laws was made when, in 1241, what was later called the Law of Jutland was decided by King Valdemar II and the most important lay and clerical magnates of the realm. A few weeks later the king died and this initiative failed, probably due to resistance from local magnates. The construction of this corpus of legislation was on the other hand far from in vain as it became the current legislation in Jutland throughout the rest of the Middle Ages. The king and his bailiffs occupy a prominent place in the law. They are mentioned far more often than in any of the other provincial laws, and the king is now assigned a very important role in the prosecution of the most serious cases. The legal institute of the *sandemænd* is introduced as an investigative jury with judicial power through the testimonies based on their investigations of the cases. They were appointed by the king, and their duty was to produce positive evidence. Therefore, the king did not directly influence the verdicts, and the oaths of the *sandemænd* could be questioned by the bishops and/or the villagers. Only forty years later we encounter the royal court for the first time, in King Eric Glipping's ordinance on the district Bara in Scania. The Law of Jutland does not give the king the right to initiate proceedings, it is still seen as a private concern, but the king can give permission to prosecute. Likewise, it is a strengthening of royal right that the king can impose the death penalty on revenge killers, and that he can pardon criminals. The king's legal authority was further enhanced in the Abel-Christopher Ordinance by introducing the legal institute of royal letters patent. This institute was described in detail in King Eric Glipping's ordinance of 1282. In addition, we have seen how the Crown tried to legislate to secure or enhance prerogatives. We found an enhancement of previous restrictions on the recruitment of men by the king personally, his family, and the magnates versus the Crown in the Abel-Christopher Ordinance. Here, we also saw a provision to secure royal taxes through legislation and a continuation of the lese-majesty legislation. Studies of the laws and regulations give the impression that the post-1241 period witnessed a clear expansion and strengthening of the Crown's role in Danish legislation, legal practice, and jurisdiction. The question is, however, how much these written laws and ordinances mattered in practice. The possibility of evaluating this question, however, is unfortunately weak. We have no court rolls from the thirteenth century to check how law was practised.

Constitution

The first part of the preamble of the Law of Jutland seems to have been copied from Isidore of Seville's *Etymologiae* or Gratian's *Decretum*, reflecting general canonical ideals of law and lawmaking, while the last part gives specifics about how the law was actually passed. It is stated that the king "gave this law, which is here written in Danish ... with the consent of his sons who were present", as well as the Archbishop of Lund and all the bishops, "and also with the consent of all the best men that were in his kingdom."¹⁰⁶ We noticed above how Archbishop Anders Sunesen in his Latin paraphrase of the Law of Scania gave an inverted version of how King Cnut VI's ordinance of homicide was passed. He wrote that the leading men of Scania agreed on or gave a law which the king approved. The legislative bodies defined by Sunesen and the author of the preamble of the Law of Jutland are in principle identical, but the initiative to legislate appears to have shifted from the leading men in 1200 to the king some forty years later. Still, both the ordinance on homicide of 1200 and the Law of Jutland of 1241 appear to have been passed by the king, his family, his advisers, and the best men of the realm or province, i.e. the king's supporters among the magnates. In respect to legislation, this assembly can be defined to be the monarchical institutional body of lawmaking or the central power of legislation. Likewise, we noticed that King Valdemar's ordinance of ordeal of hot-iron was decided with the advice of the best men. Thus, even though an established permanent legislative institution cannot be identified, the king was far from giving laws and ordinances on his own. A changing royal legislative institution seems to have existed in the first half of the thirteenth century. This institution manifested itself clearly in the preamble of the Law of Jutland. There had been attempts to secure the mutual dependency and necessity of loyalty between the two parties of this institution some half a century earlier, in the ordinance of lese-majesty. In this, conspiracy against or destruction of the realm are not only crimes against the king's person but against the kingdom as an institution, i.e. the king, the queen, and the king's children, the archbishop and the duke, the king's counsellors, in total the realm. The ordinance of lese-majesty gives the impression of an institutional understanding of kingship that corresponds to the constitution we find in the preamble of the Law of Jutland.

106 *The Law of Jutland*, preamble.

The kings clearly had no intention of managing legal developments on their own.¹⁰⁷ The sources called attention to above give the impression that there was an institutional legislative structure. The parties of this central power functioned apparently mutually in respect to lawmaking, even though this structure and function changed from 1200 to 1241. The sources show a political system of rule-bound limitations of the authoritative decision-makers as opposed to arbitrary royal rule. Constitutionalism prevailed, in other words, so far as legislation was concerned. The legislation we have gone through, does, however, also implicate constitutive elements in a wider perspective. Namely, it also contains correlations between the authorities and the population. The fact that the Crown, as we have seen, increasingly became involved in the legal system, which originally rested on the people's own conflict resolution, also expresses the establishment of a constitutional state of affairs. The appearance and role of the Crown increase from King Valdemar's Law of Zealand and the Law of Scania to the Law of Jutland, in which the most conspicuous sign of the Crown's aspirations to influence the law and take action in the administration of justice is the introduction of a royal institute of inquisition in the Law of Jutland, the so-called *sandemænd*. The Abel-Christopher Ordinance further enhanced the Crown's legal authority by the introduction of royal letters patent. Also, the Crown legislated in order to secure or enhance its prerogative of recruitment. In the Abel-Christopher Ordinance we also found a provision to ensure that taxable land was not lost to the Crown by way of a freeholder's sale of his property to a privileged person or institution free of tax. All these provisions were regulations of the relations between the Crown and the population and as such constituent of the organization of society, i.e. constitutional elements.

The constitution grew slowly out of these parts of legislation, but it also developed from practice. Thus, the practice of electing the king can be considered a constitutional development. In the chapter on a *speculum regale* we saw that elective monarchy was the ideal among the authors of Danish chronicles and hagiographies in the twelfth and early thirteenth centuries. In the second half of the twelfth century, the elective monarchy developed to become hereditary. The *Annales Lundenses* report that in 1171 King Valdemar I summoned all the bishops of the realm with the archbishop in charge together with the Swedish archbishop, the bishop of Oslo, all the magnates of the realm, and numerous common people.¹⁰⁸ The occasion was to celebrate the canoniza-

107 Such royal ambition has rather unrealistically been insisted on. Andersen, *Rex imperator in regno suo*, pp. 210–211.

108 DMA, pp. 58–59.

tion of his father, Cnut Lavard, and to crown his son as co-regent. The realm embraced King Valdemar's son the same day the church canonized his father, to mark the harmony between *regnum* and *sacerdotium*, as Saxo puts it. Still, Valdemar "took most pleasure in seeing his son being invested with the signs of his own royal dignity while he himself was still alive", Saxo hastened to add.¹⁰⁹ From this double feast at the church in Ringsted and throughout the rest of the twelfth and the whole of the thirteenth centuries we have no information in respect of election of the king, and thus hereditary kingship seems to have been part of the constitution. This is far from meaning that royal succession went harmoniously. The crowning of Cnut VI as co-regent itself was not accepted by all magnates in the realm, but the opposition was suppressed when its leader, Count Buris, was arrested as a traitor. Also, as hinted at previously, after Valdemar II passed away in 1241, succession disputes were more or less the norm although the throne was indeed hereditary within the inner circle of the king's sons or brothers.

The constitution grew slowly from legislation and practice, but it was never collected into one fundamental law of the realm. The closest it came to a fundamental law before 1300 was the charter Eric Glipping issued with the advice of the kingdom's best men in 1282. Throughout its construction and series of individual provisions it is reminiscent of the English *Magna Carta* issued in the year 1215.¹¹⁰ Like the English kings, who could not govern without its parliament, Eric Glipping was obligated "to hold, once a year by mid-Lent, an assembly called *Hof*". Likewise, he promised that "if someone wants to sue us [the king] of any wrongful acquisition of land, we [the king] subject ourselves to our faithful men's advice and rules on our *Hof*"; a counterpart to the *Magna Carta*'s bench of judges of twenty-five barons. Eric Glipping was also held to honour the country's laws—"blessed King Valdemar's Laws, as they are written in his law-books"—and like the English kings, he had to cede a number of requirements that the king apparently had been in the habit of making of the people: "Firstly, that no one shall transport victuals for us, our wives, our children, or our seneschal [*drost*] beyond the boundaries of the district they live in ... further, that peasants shall not be forced to build or refurbish farms, mills, or anything else, nor castles except in time of need, when they shall do so, as they have been accustomed to at Valdemar's time; and they must not under threat of any penalty be forced to give geese or chickens or other gifts to the king's castle ... further, it must be allowed for freehold peasants to become

109 Saxo 14.40.1.

110 *English Historical Documents*, vol. 3 (London, 1975), pp. 316–324.

tenants [*breeder*], as long as the king gets what he is entitled to from their own land; further, we [the king] must not build on other men's land, except with the consent and will of the owner; further, no new burdens must be imposed on merchants, our own or those who visit our realm." Eric Glipping's charter ends, as the *Magna Carta* begins, by affirming "the church all liberties, by which it has been in receipt of in King Valdemar's time, which would preserve its freedom in full at any point".¹¹¹

The overall aim of this agreement was to enter into a social contract between the monarchy, church, and secular aristocracy in order to consolidate royal power, privileges, and counterparties' privileges, but as we have seen some of Eric Glipping's charter's provisions were also aimed more broadly in society, at peasants and merchants. The charter was part of a constitutional development in Europe, where England was probably the European country that reached the most advanced level in the Middle Ages. The first of these European constitutional charters are from the end of the twelfth century. In 1183, the German emperor, Frederick Barbarossa, thus concluded a treaty with the Lombard cities. Five years later, King Alphonso VIII of Leon, during a war with Castile, clarified his vassals' privileges in the charter *Cortes of Leon*. The most famous is the *Magna Carta* given by the English King John Lackland in 1215 and revised several times during the thirteenth century. These charters were expressions of a development of a more permanent political status. This does not mean that the charters were observed. Rather it was the norm that they were eventually trampled and reformulated in accordance with changes of the political situation in the country, for example in Denmark, often when a new monarch came to the throne. King Eric Glipping's son and successor, Eric Menved (1286–1319) has not left behind such a charter, but his successors Christopher II (1320–1326, 1330–1332), Valdemar III (1326–1330), Valdemar IV Atterdag (1340–1375), and Olaf (1375–1387) all had to issue constitutional charters when they ascended the throne.

The importance of Eric Glipping's charter, or rather the lack of respect it was attributed, is shown by the fact that the following year the king in parliament with the advice of the best men in the realm of Denmark, issued what appears to have been a law for all the provinces in the realm. Eric Glipping's charter of 1282 made it mandatory for the king to keep "King Valdemar's laws, as they are written down in the law-books". Likewise, the king could not involve himself in a law-suit before the case had "been examined and treated at the things". These provisions can hardly be interpreted otherwise than being recognition of the

111 *DDR*, pp. 74–104.

fact that legislation and law enforcement were regional, not national, issues. All the same, the central legislative assembly in 1283 issued a law including provisions with a general, canonical character of nationwide aim. The law thus requires, for example, that no person shall sell or drink before Pentecost is over and that no one but the king must be opulently dressed. On the other hand, this law also includes canonical provisions acknowledging the demand in the 1282 charter to respect King Valdemar's laws concerning vandalism and homicide.¹¹² The subsequent disrespect of the regional legislative and jurisdictional authorities acknowledged in Eric Glipping's 1282 charter is also illustrated by three almost identical decrees issued for the provinces Jutland, Zealand, and Scania by the central legislators in the year 1284.¹¹³ The central legislative assembly in the reign of Eric Glipping's son, Eric Menved, also obviously had little respect for the principle of provincial legislation and law enforcement. In 1304, the king in parliament at Nyborg with the best men of the realm, "who had come together from all parts of the realm", decided upon a decree. In its present form, the decree is pasted in, it addresses the inhabitants of Jutland, but it appears from the prologue that similar ordinances were issued for Zealand and Scania. The prologue emphasizes that what the king and the magnates have negotiated and adopted by consensus "shall be obeyed by all and everyone within the boundaries of our realm". Some of the provisions in the decree also indicate that it was of nationwide scope, although issued in copies addressing the inhabitants of the different provinces of the realm. It was, for example, decided that currency reforms shall be announced "at the last thing of every province before Michaelmas Day".¹¹⁴

The constitutional principle, that laws and decrees should be decided by the assembly of the best clergy and laymen, detectable in the sources down to around 1200, seems to have been kept throughout the thirteenth century. It is standard in the laws. King Abel met with the magnates at Lent in 1251, and in the following years such meetings or parliaments were held with irregular intervals at Lent. From 1242, the formula of the king in parliament with the advice of or together with the best men of the realm appears in laws and decrees. The provision in Eric Glipping's charter from 1282, that the meeting called *Hof* should be held once a year at mid-Lent was, however, only kept for a few years. The *Hof* deciding the decree of 1283 was held in March, but the

112 DDR, § 1–3, p. 105; Andersen, *Rex imperator in regno suo*, pp. 150–151.

113 DDR, pp. 107–177.

114 "Ut ab omnibus et singulis undique infra regni nostri terminos generaliter et inuiolabiliter obseruentur", *ibid.* p. 179, "in proximo generali placito cuiuslibet terre ante festum beati Michaelis nullatenus publicetur", *ibid.* p. 180.

three almost identical provincial decrees given the following year in 1284 were all held immediately before Pentecost, and a provision in the decree said that “every year *Hof* shall be held at the Sunday next after Pentecost at Nyborg” or “at Trinity Sunday”.¹¹⁵ The change from Lent to Pentecost was, of course, of minor importance, but it was a grave violation of Eric Glipping’s coronation charter that after the *Hof* or parliament in 1286, when five such general meetings had been held in succession, no records suggest that this was a practice that continued through the rest of the thirteenth century. The king was murdered on 22 November 1286. After his son, Eric Menved, came to the throne, the *Hof* was only summoned occasionally.¹¹⁶

The national law of 1304 was the only major assignment of the *Hof* during Eric Menved’s reign. Nevertheless, and even though a charter comparable to the one his father had to accept in 1282 is not handed down to us from Eric Menved’s reign, his national law includes a provision emphasizing the importance of such charters. The law decides that “it has been promised that these letters and privileges called *handfæst* [coronation charter], when they or reliable copies of them are presented to us, all of them, each and every one, shall be respected, if they are beneficial and useful to the Crown and the society, and if they are not against divine and human right”.¹¹⁷ It is not specified who was to decide on the latter qualifications. Probably it was King Eric, who otherwise showed little respect for the constitutional aspects of his father’s coronation charter nor in his own law of 1304 during the rest of his reign. Only two ordinances are known from this period, none of them being given by the formal legal legislative body. King Eric Menved acted rather absolutist after 1300, and his reign faced rebellions in 1312 and 1313. Thus, the constitutional development from the late twelfth to the early fourteenth centuries can best be described as two steps forward and one back.

Conclusion

Customary, Roman, and canon law were the sources of medieval Danish law. Roman and canon law developed as universal bodies of laws, while the scope of recorded customary law was generally local or regional. This does not imply that local customs were unique. They had common features because compa-

¹¹⁵ Ibid. pp. 110, 111, 123, 124, 139.

¹¹⁶ Aksel E. Christensen, “Tiden 1041–1241”, pp. 450–455.

¹¹⁷ *DDR*, p. 182.

rable societal structures were prevalent in northern Europe, and because customary law adopted provisions from Roman and canon law. Customary laws have consequently been seen as vulgar Roman law. The Gothic and Frankish laws from the sixth to the ninth centuries exhibit similar traits to later Danish law, and some of the fault lines between Roman and common law we later find in the Danish provincial laws from the late twelfth to the middle of the thirteenth centuries. The Merovingian laws are marked by an analogous contrast between common law and royal legislation which we find in the Danish medieval laws. The Merovingian and, later in the ninth century, Carolingian kings, tried to reduce feuds and revenge killing just as the Danish kings would attempt to hundreds of years later. Provisions of lese-majesty in Frankish laws can be found in comparable versions in the Danish laws more than five hundred years later. The Frankish laws from before 900 can in many ways be considered forerunners of what was about to come in the far North of Europe in the Middle Ages. But that does not mean that the Danish medieval laws were necessarily directly influenced by these early medieval laws.

The development of canon law and the clerical monopoly on legal studies made an unmistakable impact on lay rules, decrees, and laws. The dogma of the Peace of God was a particularly important aspect of canonical influence on temporal, royal law in Denmark and elsewhere in Europe. Charlemagne's peace legislation marks the beginning of the process. After the dissolution of the Carolingian Empire in the middle of the ninth century, the church's need for protection and peace legislation grew considerably and the dogma of the Peace of God evolved in a general religious, reformist framework in the eleventh century. This ideology had a tremendous influence on royal Danish legislation in the twelfth and thirteenth centuries.

Danish narrative sources are confident about the king's legislative and jurisdictional authority, although they are aware that this authority was not unchallenged. For Ælnoth, the conflict over whether laws should be made by the people or by the king based on divine law fuelled the uprising and killing of King Cnut the Holy in 1086. For Saxo Grammaticus, legislation was an ancient royal prerogative. Even legendary kings gave canonically inspired laws. Saxo was well informed about current canon law and the important constitutional question of lese-majesty, and used his knowledge in evidently anachronistic contexts. Sven Aggesen, and later Saxo, informed about the *Lex Castrensis*, but their accounts of this law as well as the chronicler's representations of past royal legislation in general are dubious sources for the state of law in the historical contexts they are put into. These sources rather reflect the authors' knowledge of and attitude to the legal status of their own time.

Royal influence on lawmaking was not secured by any legal precept. Still, lawmaking and jurisdiction was gradually taken over by the expanding central power which concurrently developed elements of a written constitution. The earliest of the law-books, the so-called King Valdemar's Law of Zealand, can be dated to the 1170s or 1180s. Royal involvement in the creation of this body of laws is only indicated by the fact that the law presents the king as the preeminent leader of the church's vision of the Peace and Truce of God, and by the law's intention to bring revenge killings to an end. The law-book is a normative source, we do not know if the laws were in force. It is not entirely unlikely that the law-book was more wishful thinking inspired by canon law than actual law. We have, on the other hand, a royal ordinance of high treason (*lese maiestatis*) which can be dated to roughly the same period as King Valdemar's Law of Zealand. The convergence of views on the matter of high treason in the contemporary versions of *Lex Castrensis* and the ordinance of high treason shows how well informed Danish scholars were about current trends in canon law. *Lex Castrensis* was hardly an actual law and, again, we do not know if the ordinance of lese-majesty was in force.

Cnut VI's Ordinance of Homicide from 1200 is the first dated ordinance that explicitly provides information about its origin. Whether this regulation had the force of law in reality is another matter, but the regulation was at least included in the Law of Scania soon after and later in Anders Sunesen's paraphrase of this law. The Law of Scania stresses the king's role in several places and directly refers to regulations provided for by the king. The reference to the Ordinance of Homicide shows that the originators of the law were aware that at least this part of the law was a royal provision. They also seem to have a realistic idea of monarchical legislative and jurisdictional power. The law of homicide was not expected to be in force when the king was not in Scania, and the same is true of the law of violent crimes. The monarchical power to legislate and execute the law was restricted by the originators of the Law of Scania to the king and his retainers' actual presence in the jurisdictional district. The king, in other words, did not have a general and permanent legislative and law enforcement power in the realm.

Archbishop Anders Sunesen, in his Latin paraphrase of the Law of Scania, confirms that King Cnut VI's Ordinance of Homicide was adopted by the Law of Scania and introduces an intensification of Cnut's ordinance given by King Cnut VI's brother and successor, Valdemar II. Sunesen tells that "leading men of Scania recently passed a law with King Valdemar's approval". In Cnut VI's ordinance, the king could take the criminal's moveable property, while in Valdemar II's ordinance the king even has the authority to confiscate the land of the offender. Valdemar II's Ordinance of Homicide, like Cnut VI's,

was only in force when the king was present in Scania, i.e. the diocese of Lund.

The law promulgated by King Valdemar II in 1241 was intended as a national law, but it became a law of Jutland only. The appearance and role of the Crown, i.e. the king and his bailiffs, is much more conspicuous in the Law of Jutland than in the earlier laws. The king's jurisdictional power is strengthened in several ways in the Law of Jutland compared with the earlier laws. Perhaps the most important royal initiative to influence the law and take action in the administration of justice is the introduction of a royal institute of inquisition in the Law of Jutland, the so-called *sandemænd*. The Law of Jutland advances the Crown's influence on legislation and law enforcement, but it was still delimited by custom. The law appears to be far more modern than the other provincial laws and shows much influence from canon law, particularly in the design of the procedural rules in criminal law.

From the rest of the thirteenth century after 1241, only a few royal ordinances and drafts of ordinances have been handed down to us. The overall aims of the Abel-Christopher Ordinance were to enhance the authority and power of the Crown and to regulate relations between the mighty and powerful men in the realm. Theoretically it gave the Crown the liberty to pursue its opponents through the courts. On the other hand, unlike Cnut VI's Ordinance on Lese-Majesty neither Abel's nor Christopher's decrees provided legal basis for judging this crime on suspicion alone. However, it cannot be proved that these ordinances were more than unpublished drafts expressing the king's, or more likely the Crown's, interests.

The same may be true for the remaining royal regulations up to 1300. This is at least true about the ordinance Eric Glipping (1259–1286) had drafted in 1276. In an ordinance from 1282 for the district of Bara in Scania, we read about a royal court of justice for the first time. The king had apparently had an active role helping people carry out sentences passed at the local thing, at least from around 1200. This role was enhanced in the Abel-Christopher Ordinance by introducing the legal institute of royal letters patent. This institute was described in detail in King Eric Glipping's Ordinance of 1282. The post-1241 laws and ordinances show a clear expansion and strengthening of the Crown's role in Danish legislation, legal practice, and law enforcement. The question is, however, how much it mattered in practical life. The possibilities for evaluating how law was practised in light of other sources are few.

A monarchical institutional legislative body existed in the first half of the thirteenth century. The ordinance of lese-majesty attempted to secure loyalty between the parties of this institution. The ordinance gives the impression of an institutional understanding of kingship that corresponds to the constitution

we find in the preamble of the Law of Jutland. In other words, constitutionalism prevailed so far as legislation was concerned.

Constitutional elements can also be detected in correlations between the authorities and the population. The Crown's increasing involvement in a legal system that originally rested on people's own conflict resolution expresses the establishment of constitutional states. The many provisions regulating the legal and jurisdictional relations between the Crown and the population were constituent of the organization of society, i.e. constitutional elements. The constitution grew slowly out of these parts of legislation, but it also developed from practice. Thus, the practice of electing the king can be considered a constitutional development, which in 1171 was altered when hereditary kingship seems to have become part of the constitution. These constitutional elements were never collected into one fundamental law of the realm.

The closest it came to a fundamental law before 1300 was Eric Glipping's coronation charter from 1282. The charter formalized parliamentary government by deciding that the meeting called the *Hof* should be held once a year at mid-Lent, but it was only kept for a few years after. The *Hof* or parliament in 1286, when five such general meetings had been held in succession, was the last held throughout the rest of the thirteenth century. The overall aim of Eric Glipping's coronation charter was to enter into a social contract between the monarchy, the church, and the secular aristocracy in order to consolidate royal power, privileges, and counterparties' privileges, but some of the charter's provisions also aimed at society more broadly, at peasants and merchants. The charter was part of a constitutional development in Europe. The importance of the constitutional charters was underlined in King Eric Menved's national law of 1304, but he never signed such a charter.

At the end of the thirteenth century, legislation and jurisdiction were still not royal prerogatives although the Crown had sought to assert itself in law and justice over around two hundred years. Determining how far laws were actually enforced is a methodological problem. From around 1200, royal regulations were issued and later included in the law-books. The Crown now appeared increasingly as the guarantor of the legal regime in the provinces where it was present. In 1241, the first body of laws appeared that we know with certainty that royal power was behind. This law enshrines constitutional states, traces of which were seen earlier, and in 1282 these states were enhanced until around 1300 constitutionalism, insofar as it had existed in the thirteenth century, eroded.

Landownership

Land is one of the most important sources of human life. Man's sustenance is provided by its crops, the green plants of the land are vital in maintaining the atmosphere, and its minerals and trees contribute to the development of human life and civilizations. This very important resource has, however, not always been an object of ownership. The concepts of land as property have changed over time and vary in different cultures. The indigenous population in North America, the so-called Indians, for example, seemed to have considered land incapable of being susceptible to ownership and human dominion, when they were confronted with the European settlers. For the indigenous North Americans, land was the mother of life and the thought of owning land incomprehensible.¹ Whether land is considered an object of property, and the dominion of man, depends in principle on the specific use of land, the dominant power structures, and the suitable outlook on life or religion in a given society or culture.

The aim of this chapter is to study the status of land in the centuries in question in this book in order to enlighten this important aspect of the development from tributary to medieval kingship. The development of landownership and the subsequent extraction of land rent by landowners from users of the land and taxation of the owners by central powers were crucial preconditions of the European medieval kingships. Landownership, rent, and taxation are features constituting the nature of medieval kingship.

We will approach our investigation by introducing some trends in medieval theory of property, but before that a brief account of the Roman concept of ownership will be presented since, as it is well known, medieval law and legal concepts were developed as a revival of Roman law adjusted to an increasingly complicated society from the middle of the twelfth century. The distinctions drawn by lawyers from these confrontations with Roman law, in particular Emperor Justinian's (527–565) newly discovered *Digesta*, with the actual societal phenomena in question were reinforced by the study of the rediscovered *Etichs* and *Politics* of Aristotle. Thus, the medieval glossators mediated the legal

1 Andrew Reeve, *Property* (London, 1986), pp. 51–52; Donald W. Large, "This Land Is Whose Land? Changing Concepts of Land Property", *Law Journal Library Wisconsin Law Review* (1973), 1040–1083.

concepts of their own time, derived from the law of the late Frankish Empire and the Germanic kingdoms, which was primarily based on vulgar Roman law from the fifth century,² with what they found in the *Digesta* and Aristotle's writings. This development began in north Italy in the last decades of the eleventh century in case law, when references to Justinian's body of laws were used in lawsuits, while a law school was established in the twelfth century with Irnerius's (d. 1123) distinction between jurisprudence and legal usage through his studies of the available fragments of Justinian's *Codex*, *Institutes*, and *Digesta*.³

Ownership in Roman Law

The principal Roman terms of ownership were primarily *dominium* and secondarily *proprietas*. In non-legal Roman literature, *dominium* was used to mean the control of households, peoples, lands, etc., but in judicial thinking this meaning of *dominium* was developed to be linked with allotment, the original Roman connotation of *proprietas*. Therefore, Roman lawyers used the two terms of their choice.⁴ Originally ownership was not regarded as a right—*ius*. Roman lawyers made a clear distinction between ownership of something and having the right of it. Ownership followed from man's control over his physical world, while right resulted from agreements between human beings. In classical Roman law, ownership was considered absolute in contrast to right being relative. On the other hand, absolute control seemed inconceivable in Late Antiquity—even the emperor ruled by means of bilateral agreements with individuals and groups of individuals. Consequently, *dominium* was now understood as another form of *ius*. Ownership was considered a right because

2 Peter G. Stein, *Römisches Recht und Europa. Die Geschichte einer Rechtskultur* (Frankfurt am Main, 1997), p. 68. The concept *Roman Vulgar Law* was first used by the German historian of German law, Heinrich Brunner in his *Zur Rechtsgeschichte der römischen und germanischen Urkunde* from 1880, pp. 113f., 139 with the meaning updates or revisions of official Roman law. See also Heinrich Brunner, *Deutsche Rechtsgeschichte*, vol. 1 (Leipzig, 1887; 2nd ed. 1906), pp. 377f. This idea of vulgar law as degenerated Roman law as practised in the provinces of the Roman Empire was expanded by Ernst Levy to include all laws not corresponding to the classical jurist used in the provinces, some of which even originated from local customary laws. Levy also classified simplified classical Roman laws from Emperor Constantine's time as vulgar law. Ernst Levy, *West Roman Vulgar Law. The Law of Property* (Philadelphia, 1951).

3 Ibid. pp. 80–81.

4 Dietmar Willoweit, "Dominium und Proprietas. Zur Entwicklung des Eigentumsbegriff in der mittelalterlichen und neuzzeitlichen Rechtswissenschaft", in *Historisches Jahrbuch*, ed. Johannes Spörl (Munich/Freiburg, 1974), pp. 139–141.

property was generally based in an agreement between the emperor and a citizen. Thus, property was taken as a right (*ius*) because property was owned because of a relation to the empire. Nevertheless, in Late Antiquity the concept *dominium* still existed in the original absolute sense of it as *dominium perfectum*.⁵

In Roman law, ownership meant the right to dispose of an object—*res*. Ownership was absolute insofar as more than one could not claim the right to an object in a hierarchical system of one owner and more sub-owners, but not in the sense that the owner's right was unrestricted. The limitations of an owner's right to dispose of his property could, for example, be the result of considerations for neighbours or the public. In addition, public facilities—*res publica*—such as ports, theatres, and market places could not be owned by individuals. Neither could divine objects, the air, water, nor the sea be owned. Ownership of certain objects, for example slaves and draught animals, likewise was restricted. Even though the distinction between real property and movables was not important in Roman law, landed property had different status in Italy than in the provinces. *Quiritian* right of landownership—*dominium ex iure quiritum*—could only be shared by Roman citizens—see below.

Draught and breeding animals, slaves, and land in Italy—*res Mancipi*—was acquired by Roman citizens through special types of transfer—*mancipatio*—that is, buying and selling in the presence of witnesses or by a public show trial—*in iure cessio*. By formless transfer—*traditio*—of these objects they became only in immediate possession of the buyer—*possessio*. If he had legal right to the object, was in actual possession of it, and he was in good faith, after two years of prescriptive right—*usucapio*—in Italy it was transformed to right of property. Movables acquired only one year before the prescriptive right were transformed to ownership. Thus, *possessio* could develop into *dominium*. Emperor Justinian abolished the distinction between formal and formless transfer. In *Digesta* only *traditio* appears, and Justinian laid down the time of the *usucapio* to three years for movables, ten or twenty years for real property, and forty years for claims against the church.

In Roman law, possession and ownership were two different things. Anyone who had the right to dispose of an object, in good or bad faith, was considered the possessor of it, if he had the will to dispose the object physically. From the distinction between possession and ownership followed the owner's right

5 Richard Tuck, *Natural Rights Theories. Their Origin and Development* (Cambridge, 1981), pp. 7–13.

to protect their property by *rei vindicatio*, that is the owner's right to litigate against a person in possession of property acquired by *quiritanian* law. This was exclusively a right of Roman citizens, while non-Romans could litigate concerning objects not subject to *quiritanian* law—*actio publicana in rerum*. Undisturbed possession could be achieved through this legal process, but not ownership.⁶

It follows from the distinction between absolute and limited property right in *rem* in Roman judicial thinking, that Roman law also included certain types of leasehold such as *ius emphyteuticarium* and *ius perpetuum*. In the late Roman Empire, these lease forms were combined and codified by Emperor Zeno (476–484) as *ius emphyteuticarium*; a lease contract in writing. The *emphyteutese* that can be found in the Justinian's body of laws was patterned on Zeno's law and prescribes that the tenant (*emphyteuta*) must pay an annual fee and cultivate the leased land carefully. It was a copyhold and the tenant could sell the leased land to a third party, if the tenant paid the owner a discharge from the sale proceeds.⁷ *Emphyteuta* and *dominus* were contrasted in the works of Zeno and Justinian, the former being a different form of *ius in re* than ownership. So these two forms of right were present in the early Germanic kingdoms on former Roman soil, in the kingdoms of the Goths and the Burgundians, even though ownership and usufruct might be contrasted under the common point of view of *possidere*. The tenant possessed the right to use the land, while the owner possessed the right to get a rent paid or services rendered in return. In the early Germanic kingdoms, private ownership was the basis of the law of property because early Germanic law adopted many of the thoughts and concepts supplied by the Roman sources. But the term *emphyteuta* vanished. Nevertheless, there was a continuation from Roman vulgar to early Germanic law in respect to hereditary rural tenure. There was even a market for trade in land held in hereditary tenure in the early Germanic kingdoms, which continued into the Frankish kingdoms of the seventh and eight centuries.⁸ Thus, continuations of certain aspects of property law can be detected from Roman vulgar law to early Germanic and Frankish law.⁹

6 Ditlev Tamm, *Romerret*, 2nd ed. (Copenhagen, 2007), pp. 73–91.

7 Hans Wagner, "Das geteilte Eigentum im Naturrecht und Positivimus", *Untersuchungen deutschen Staats- und Rechtsgeschichte*, 149, eds Julius v. Gierke et al. (Breslau, 1938), pp. 16–17; F. Klein-Bruckschwaiger, "Erbleihe", in *Handwörterbuch zur deutschen Rechtsgeschichte* 1 (1971), cols 968–971.

8 Levy, *West Roman Vulgar Law*, pp. 79, 87, 90, 92–93, 97.

9 Late Roman law was termed vulgar law by Ernst Levy while the law in Gaul under the Franks

Ownership in Medieval Jurisprudence

Nevertheless, it has been held that “down to the twelfth century there was *only* a very meager theory of property derived from the Bible and the Fathers”.¹⁰ It is correct that the Bible does not exactly encourage man to focus on property, and that a communist dogma may be deduced from the New Testament. It is also true that St Benedict’s monastic rule demands that all things should be held in common, and that this ideal influenced the mentality of the clergy in the Early and even High Middle Ages. In Gratian’s *Decretum*, from about 1140 and still in the Danish archbishop Anders Sunesen’s poem about the creation of the world from the early thirteenth century, the ideal of communism can still be found. Anders Sunesen saw the right of ownership as man’s sin against the earth and a consequence of the Fall of Man. A reasonable justification for property is nevertheless bestowed upon man, just as rules for the healthy are often relaxed for sick, Sunesen argues.¹¹ Bishops, cathedrals, and monasteries were already great landowners in the Early Middle Ages. The clergy enjoyed joint ownership according to Gratian and Sunesen’s ideal, but what they held in common they were in control of and felt themselves entitled to. This is reflected in European sources from before the twelfth century, which also leave us impressions of how the wealthy saw their rights over the land at their disposal.

In the Early Middle Ages, the Roman word *dominium* occurs mostly, meaning control of and title to an object—*dominis regis*, *dominium Francorum*, *dominium episcopo*. *Dominium* was a transferable right—in *ius et dominio tradere* is a frequently occurring phrase. It could be handed over, surrendered, or taken. *Dominium* was associated with power to do so and with control of objects such as countries, peoples, towns, land, villages, etc. *Proprietas*, on the other hand, was associated with a legal subject’s relation to objects, i.e. the right to objects. The word not only meant the right to things but also the right to do things, such as logging, fishing in streams, etc. *Proprietas* could be transferred or handed over—*proprietatem tradere*, *transferre*—but the concept used in early medieval sources said nothing about the powers one had as holder of *proprietas*.¹²

This dual conceptualization reflects the state of things concerning title to resources in the Early Middle Ages. The use of force was a prerequisite for

from the sixth up to the eighth or ninth centuries was called Roman vulgar law by Heinrich Brunner, cf. note no. 2.

10 R.W. Southern, *Medieval Humanism and Other Studies* (Oxford, 1970), p. 53.

11 Anders Sunesen, *Hexaëmeron*, ed. M.Cl. Gertz (Copenhagen, 1892), pp. 84–85.

12 Willoweit, “*Dominium und Proprietas*”, pp. 133–135, 137–139.

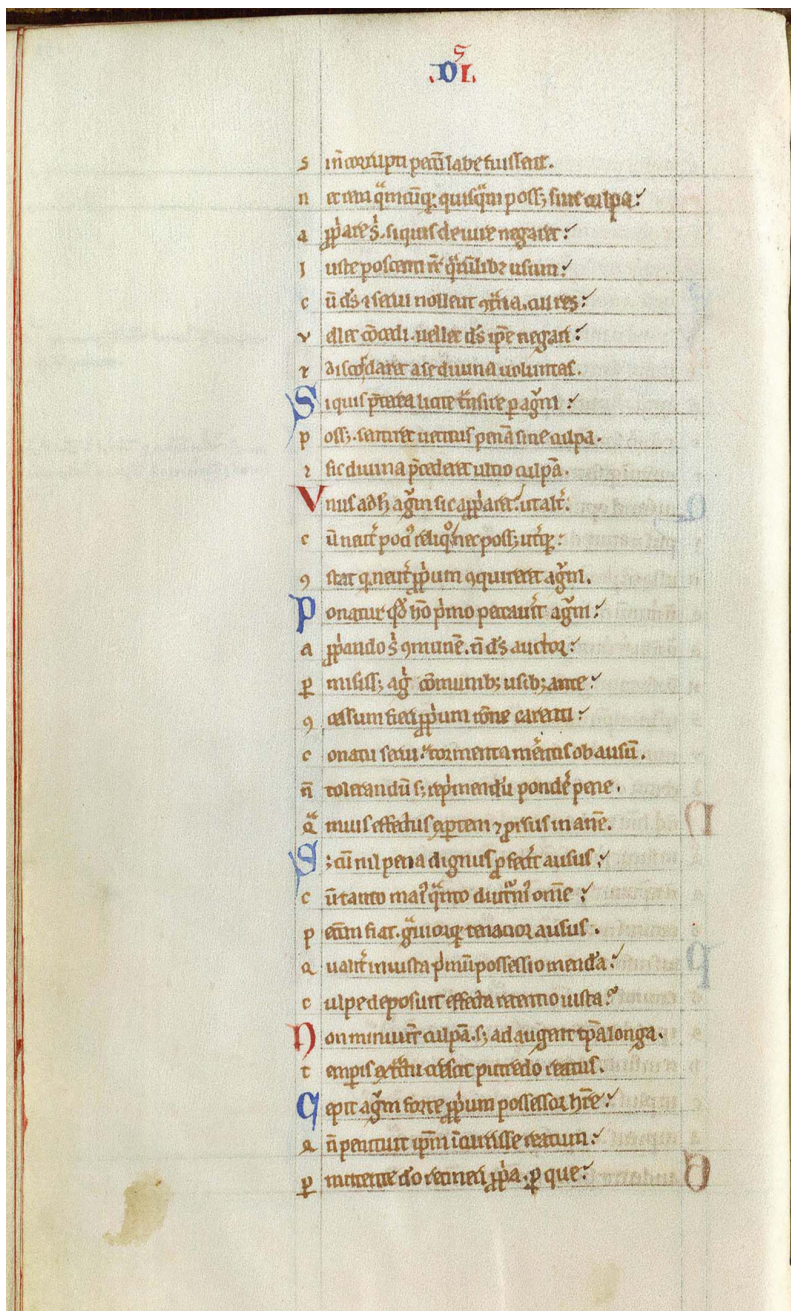


FIGURE 8 Anders Sunesen on ownership as a sin. Hexaëmeron, liber 5, verso 43, transcript on parchment 1250–1300.

THE ROYAL LIBRARY, COPENHAGEN

a *dominus*, and from the lord's mastery of natural and human resources also followed the right to dispose of them, possibly as *proprietas*, i.e. rights to resources. Thus, *dominium* was not yet a term associated with legal right; the concept only became attributed with legal right after medieval lawyers began the study of Justinian's *Digesta* in the twelfth century. Against the background of the following intellectual efforts over some two centuries, in the beginning of the fourteenth century medieval lawyers had created a concept of property with roots in Roman law. This late medieval comprehension of property can be considered the foundation for the modern concept of property. Beside the early medieval power-based concept of entitlement to resources, *dominium*, existed, as we saw, the legal concept—*proprietas*. This latter early medieval concept is related to matters concerning rights to estates accounted for in *Libri feudorum*, which was compiled in the eleventh and twelfth centuries and handed down to posterity in editions from the twelfth and first half the thirteenth centuries.

The Lombard feudal laws which can be deduced from the texts in *Libri feudorum* have traditionally been interpreted by historians as a *ius commune*, i.e. a common European feudal law with roots back to Frankish and German law. This interpretation has been refuted. It has been held that *Libri feudorum* is based on special Lombard circumstances including the north Italian cities' special status.¹³ If this interpretation is accepted, *Libri feudorum* should rather be seen as part of the trend towards establishing professional law due to the stronger, more centralized, more bureaucratic, and more effective government that developed in north Italy from the twelfth century. In the High Middle Ages, a growing population and increasing pressure on the available resources, together with the expansion and intensification of arable farming, and the rise of the national kingdoms in Europe north of the Alps and the Pyrenees also caused a still growing need for codification and legislation on the distribution and use of human and natural resources. This does not mean that fiefs—*beneficium*—did not exist in the Early Middle Ages, particularly for land held from churches, but the status of this land, and the men who held it, could hardly be fitted into the hierarchy of feudal relations depicted in *Libri feudorum*. In several places this feudal hierarchy is described in *Libri feudorum* as divided into three groups. At the top, we find the princes under the imperial feudal law, including bishops, abbots, counts, and marquises. Beneath them was the middle layer of vassals and *capitanei*, and at the bottom of the hierarchy the lowest vassals (*minimi*), who only slowly gained the protection of feudal

13 Dilcher, "Libri feudorum", cols 1995–2001.

law. This feudal hierarchy defined the reciprocal obligations and rights of any member of society.¹⁴

Property and tenement were well-known theoretical phenomena in the Middle Ages, even though, as touched on above, it was held that under the *ius naturale* everything had been held in common, and that in Gratian's *Decretum* around 1140 the ideal of communism can be found. Gratian himself actually contrasted *possessio* and *dominium* and in the later twelfth century canonistic commentaries opposed Gratian, advocating for private property. Thirteenth-century lawyers were in general against common property and spoke for individual private property as natural. The dedication to absolute property right of the individual is reflected by Azo (c. 1150–1220). He thought it to be “clearly true that two persons cannot be owners in totality, neither for the whole nor a part of property ...”. Later, Accursius (c. 1182–1263) wrote that “he is thought to have nothing, who does not have all”.¹⁵

In the thirteenth century, Thomas Aquinas, in his dispute with the rivals of his Dominican order, questioned the apostolic life practised by the Franciscans. In his *Secunda Secundae* Aquinas wrote: “We can consider a material object in two ways. One is with regard to its nature, and that does not lie within human power, but only the divine power, to which all things are obedient. The other is with regard to its use. And here man does have natural *dominium* over material things, for through his reason and will he can use material objects for his own benefit”.¹⁶ Man receives his degree and destiny, as the whole nature, of God. In that respect man and nature are equal. But, unlike the rest of nature man has a *dominium naturale* of the external things in the world. This distinction is the core of Aquinas's teachings. The things of the world belong, studied in their nature or their essence, to God; they are only subordinate to God. Nevertheless, man has a *dominium naturale*, whose special characterization as granted and limited power is excellent as opposed to the comprehensive *dominium* of God.¹⁷

In his *Summa theologiae*, Aquinas commented on both property and tenement in his discourse on Aristotle's works. For example, he notes that “some men hire out their labour, and some their house or other property”. And he

14 Ibid. cols 1997–1998.

15 John F. McGovern, “Private Property and Individual Rights in Commentaries of the Jurists A.D. 1200–1500”, in *In Iure Veritas: Studies in Canon Law in Memory of Schafer Williams*, eds Steven B. Bowman and Blance E. Cody (Cincinnati, 1991), pp. 134, 138.

16 Tuck, *Natural Rights Theories*, p. 19.

17 Damian Hecker, *Eigentum als Sachherrschaft. Zur Genese und Kritik eines besonderen Herrschaftsanspruchs* (Paderborn, 1990), pp. 60–73.

notes that “those who hire out their labour are poor people, dependent on their work for their daily bread, and it was with this in view that the Law enacted that they were to receive their pay at once, so that they might not fall short of food. But those who hire out other things are commonly rich, and do not need the money for their immediate needs”. “As to possessions, it is best, as Aristotle says, to have them clearly differentiated, and that their use should be partly common to all, and partly left to the will of the owners to determine”, Aquinas quotes. He also points at the inappropriateness of property being concentrated in the hands of few.¹⁸ Thomas Aquinas did not induce theoretical concepts of either property or tenement from these discourses, but showed how Aristotle agreed that private property is a precondition of a good life and civilized society.¹⁹ Following Aristotle, Thomas Aquinas found that the good government relates private property justly for the common good.²⁰ In the 1320s, the apostolic poverty practised by the Franciscans was denounced as heresy by Pope John XXII, who worked to canonize Thomas for his defence of religious property.²¹

The church and the clerics’ right of having temporal possessions was also defended by Giles of Rome (c. 1243–1316). In his *De ecclesiastica potestate* he argued that the Christian religion could not have survived if the Christians had not had the necessities of life. He pointed out that some Christians were even engaged in commerce, because some regions abound in one commodity and are deficient in another. Therefore, both clerics and laymen alike can have goods and farms and vineyards and other temporal possessions, but it is becoming in the clergy to entrust care and anxiety about temporal possessions to laymen, so that clergymen may concentrate on those things which pertain to God.²²

The property concept encountered by the medieval jurists when they began the study of the Emperor Justinian’s *Digesta* in the twelfth century did not respond to the social and economic world they lived in. The commentary

18 Aquinas, *Summa theologiae*, pp. 276–279, 282–283, 286–287.

19 Janet Coleman, “Dominium in Thirteenth and Fourteenth-Century-Thought and Its Seventeenth-Century Heirs: John of Paris and Locke”, *Political Studies* 33 (1985), p. 88.

20 Janet Coleman, “Property and Poverty”, in *The Cambridge History of Medieval Thought* c. 350–c. 1450, ed. J.H. Burns (Cambridge, 1988), p. 625.

21 McGovern, “Private Property and Individual Rights in Commentaries of the Jurists A.D. 1200–1500”, p. 134.

22 Aegidius Romanus, *De ecclesiastica potestate* 2.1, ed. Richard Scholz (Aalen, 1929; repr. 1961); Giles of Rome, *Giles of Rome on Ecclesiastical Power* 2.1, trans. R.W. Dyson (Woodbridge, 1986).

explanations—glosses—to *Digesta* they made was consequently designed to reshape Roman law to a form similar to the prevailing conditions and their development through the following centuries. In addition, the *Libri feudorum* was studied simultaneously with the study of Roman law. In the twelfth century, the Lombard feudal law was published together with material which did not come from Justinian, for example an imperial law from the twelfth century, published as books ten to twelve of a *Collationes*, the so-called *Volumen parvum*, while Justinian's codex itself was published as books one to nine of this collection of laws.²³ Although the Roman concept of property, as we have seen, was only formerly absolute, the difference between the fief of feudal law and the property of Roman law became glaring. *Libri feudorum* speaks of the vassal's right as "possessio per beneficium" while the lord's right is designated "dominium". This theoretical distinction is reflected in terminological opposition *feudum* versus *dominium* and *dominium vasalli* versus *dominium domini* in charters from the twelfth and thirteenth centuries.²⁴ Likewise, in thirteenth-century Germany a linguistic contrast between ownership and rent can be found.²⁵ Moreover, the medieval jurists were not aware that in Justinian's code the original distinction in Roman law between Italian and provincial law was abolished. They also read *Digesta* as if there was still in principle a difference between *usucapio* of movables and *praescriptio* of real property, which, as we have seen, there originally was in Roman law.²⁶ This reading was probably influenced by Germanic jurisprudence, where distinction between ownership of movables and real property can be found, as we shall see later in the Danish provincial laws.

These theoretical differences between the original Roman law and the Justinianic code, between Roman law and feudal law, and overall the desire to bring legal thinking into accordance with what the lawyers and their superiors perceived as the world's social and economic status, stimulated the glossators' successors, the commentators, to develop an adequate pair of concepts—*dominium directum* and *dominium utile*. The latter meant from the beginning limited property, i.e. the right to exploit, benefit, profit from—*utiliter*. In feudal law and, as we saw above, also in charters reflecting practical life, concepts of limited ownership of course existed—*feudum*, *beneficium*, *dominium vasalli*, etc. Concepts of limited property were developed in feudal law, but also in

23 Stein, *Römisches Recht und Europa*, p. 78.

24 Willoweit, "Dominium und Proprietas", p. 136.

25 D. Schwab, "Eigentum", *Geschichtliche Grundbegriffe*, vol. 2, eds Otto Brunner et al. (Stuttgart 1975), p. 67.

26 Wagner, "Das geteilte Eigentum im Naturrecht und Positivimus", pp. 11–14.

canon law—*precaria*. However, the commentators wished to bring the principle of limited property into one common concept. First of all, they attempted to create a just concept of medieval vassals and tenants' right—*ius aequum*. It was the mission of legal science to elevate positive human law to eternal justice, the law of God, natural law. This would render *dominium utile* not just a quasi *dominium*, but a *dominium propter aequitatem et utilitatem*, i.e. a *dominium* of divine justice and use.²⁷

Here the Justinianic body of laws came to help in two senses. Firstly, by the integration of *dominium utile* into Roman law it was elevated to be part of natural law. Secondly, the *Digesta* include a useful concept. *Emphyteusis*, copyhold, is sometimes called *dominium* in the Justinianic laws. Therefore the commentators had no hesitation in calling the principle of hereditary usufruct of resources for *dominium utile*. Already Accursius, their predecessor, had done so.²⁸ He speaks of it as something well-known to him. It is therefore probable that the concept *dominium utile* evolved between Irnerius and Accursius even though in Irnerius's glosses the concept does not appear directly.²⁹ The step from labelling hereditary usufruct *domine utile* to including vassals' and *precaria*'s rights in the concept was not great. The only difference between *dominium utile* and the earlier concept *emphyteusis* was that the latter only involved one *dominus* while the first featured two *domini*: a lord who claims the right to property, *rei vindicatio*, *dominium directum*, and the vassal or tenant who claims to use a thing *dominium utile*.

Already Irnerius considered *dominium* a kind of *ius* and hence his thinking can be seen as the first step towards talking about property right as a legal issue theoretically separated from the power-based concept *dominium* of the Early Middle Ages. The glossators up to and including Azo of Bologna (c. 1150–1230) saw all rights as rights to claim, requiring other men to act in some way towards the claim. *Dominium* was a claim of total control against other men, a *ius in re*, i.e. a right to something you possess. However, the glossators were aware that not all rights to something you hold were *dominium*, let alone right to something you still do not possess. This distinction was abolished by Accursius's introduction of the pair of concepts *dominium directum* and *dominium utile*. Now *dominium* was understood as any *ius in re*, any right which could be legally defended against men and could be transferred to other men—not only the right of total control. All rights could now be seen as property. Against

27 Ibid. pp. 19–20.

28 Ernst Landsberg, *Die Glosse des Accursius und ihre Lehre von Eigenthum* (Leipzig, 1883), pp. 97–101.

29 K. Lauss, *Entwicklungsgeschichte des Dominium utile* (Göttingen, 1916), pp. 20 ff.

this background, Bartolus of Saxoferrato (1314–1357) developed a definition of *dominium directum* as the unrestricted *ius* of disposing, while *dominium utile* was merely the right of use.³⁰ Bartolus contrasted the two concepts and considered *dominus directum* superior. Later Baldus (1327–1400) speaks of *dominium directum* as *dominium superius* and *dominium utile* as *dominium inferius*.³¹

Inspired by a quodlibetal debate, held by Godefroid of Fontaines at the university of Paris in 1295–1296, John of Paris in his *De Potestate regia et papali*? argued that lay property is acquired by the individual's labour or enterprise, and individuals have in the fruits of it right and might and true power (*"ius et potestatem et verum dominium"*). John thought out this concept of private property related to his effort to make a distinction between royal and papal power. He found that temporal power is power over material things (*dominus in rebus*) and that these are not communal, in contrast to ecclesiastical property given to the communities. Even though the pope in principle had no power over exterior goods (*bona exterior*) John argued that he did have power of the material property held in common by the whole ecclesiastical community. In contrast, the pope did not control lay property because it was acquired individually. Neither the pope nor princes have power over lay material things. The latter was only established by lay communities in order to oppose violations of individuals' rightful power over material things. The princes had *jurisdictio* and the members of the lay communities had *dominium* of the material things they had acquired by their own labour of enterprise. Thus, John of Paris established a distinction between *proprietas/dominium*, i.e. individual property, and *jurisdictio*, i.e. the elected prince's obligation and right to defend private property.³²

It was a prolonged intellectual process to bring the complex medieval property relations into accordance with eternal law. One of the reasons why it took about two centuries to develop the pair of concepts of "absolute" ownership versus legal right to property owned by another person was that the rediscovery of the *Corpus iuris civilis* was a protracted process lasting most of the twelfth century. For that reason, as we have seen, the process gathered speed only in the thirteenth century.³³ Absolute ownership has never existed. Modern property right is hardly more absolute than medieval and medieval right of property was less absolute than Roman, when after two centuries of hard intellectual effort medieval lawyers had brought their property concept into accordance

30 Tuck, *Natural Rights Theories*, pp. 13–16.

31 Wagner, "Das geteilte Eigentum im Naturrecht und Positivimus", pp. 17–19.

32 Coleman, "Dominium in Thirteenth and Fourteenth-Century-Thought and Its Seventeenth-Century Heirs: John of Paris and Locke", pp. 77–85.

33 Stein, *Römisches Recht und Europa*, p. 76.

with Roman law by studies of the *Corpus iuris civilis*. Before the twelfth century no theoretical concept of property existed, but in practical life dominion over resources was indeed practised by individuals and institutions. Hence, the Roman word *dominium* in the Early Middle Ages meant physical force to appropriate a resource, whether the powerful used it themselves or let it out to tenants performing services and/or paying rents. In time, the fusion of power and law gradually dissolved. Power and court was in practical life closely connected throughout the Middle Ages, but right came increasingly to rest on the law. The lawyers of the twelfth to thirteenth centuries played a crucial part in this process. By developing the pair of concepts of ownership and usufruct from *Corpus iuris civilis* they achieved two important and connected results. On the one hand, they produced legal legitimization of the prevailing actual complex societal relations concerning the disposal of natural and human resources. On the other hand, by building this legal legitimization on eternal Roman law the legal justification of the distribution of the resources was brought into harmony with divine providence. However, the medieval idea of property was not embedded in an abstract concept of general rights and functions. The idea of property was still understood in the fourteenth century as either right of material things (*dominus in rebus*) and/or as personal relations that included concrete rights and duties. There was no absolute concept of property as comprehensive right and power; property was conceived as concrete and specific rights and powers. This relative and practical understanding of property sprang from the belief in divine creation. Man did not understand himself as an independent being observing and controlling nature. Medieval thinkers saw man created by God, following God's will and not his own. Thus, it was difficult to devise an absolute ontological property concept in which man masters and exploits the natural resources absolutely.³⁴ John of Paris, however, came very close to this point of view.

In the far North, theoretical jurisprudence was not practised. But, as in other parts of Europe, concepts of property and a development of these concepts took place throughout the time period studied in this book. In the following this development will be examined and related to the theoretical discussions accounted for above by exploiting inscriptions on runic stones, title deeds, testaments, and the provincial law-books and laws.

34 Hecker, *Eigentum als Sachherrschaft. Zur Genese und Kritik eines besonderen Herrschaftsanspruchs*, pp. 74–75.

Family Ownership

In ancient German law, disputes on ownership were generally restricted to quarrels between clans, families, townships, and institutions. Private ownership of land was not the norm. A similar status of ownership seems to be reflected on the few runic stones and in early manuscripts in the North.³⁵ In respect of Nordic runic stones, only two were found documenting landed property and ownership of locations. In the beginning of the seventeenth century a runic stone was found on a meadow between the parish Skorby and the location Gussnava in south-eastern Scania. On the stone was written “Káulfr and Autir, they placed this stone in memory of Tumi, their brother, who owned [atti] Gussnava”. The name Gussnava is composed of the genitive of the male name Guthir and the dialect word *snabe* originally meaning a wedge-shaped piece of land.³⁶ Also in Scania, in the parish of Hyby, a runic stone was found in a stone fence informing that “Thord cut these runes ... Folkvé/Fullugi owns Haugbyr (a Høg[by])”. Both stones are dated between 970 and 1120.³⁷

Ownership of ships has been found on three runic stones. In the foundation of Our Lady’s Church in Aarhus, on the east coast of Jutland, a runic stone was discovered commemorating Asser Sakse who “owned (*atti*) a ship with Arni”. The stone has been dated between 970 and 1120. At that point in time, Asser Sakse and Arni obviously were not the only individuals who were ship-owners. Another stone raised by Thorkil commemorates his father, who seems to have been a ship-owner too. This stone was later used as building material in the parish church Sporup also in eastern Jutland. The third case of ship-ownership documented on runic stones was found on a stone in the Västra Strö monument in Scania. The stone was cut by Fader “in memory of Bjorn, who owned [*atti*] a ship with him”.³⁸

Sometimes ownership was simply marked on the object owned. Thus, Bofi wrote “Bofi a grefil” on his stylus found near Dalby church in Scania, and Thor claimed that he owned a coin simply by carving into it “Thor owns me [*a mik*]”. The dating of the stylus is uncertain, while the coin has been dated between

35 Vinogradoff, *Roman Law in Medieval Europe*, p. 31.

36 *Svensk Ortnamnlexikon*, ed. Mats Wahlberg (Uppsala, 2003).

37 http://runer.ku.dk/VisGenstand.aspx?Titel=Sk%c3%a5rby-sten_1; http://runer.ku.dk/VisGenstand.aspx?Titel=Hyby-sten_1.

38 http://runer.ku.dk/VisGenstand.aspx?Titel=%c3%85rhus-sten_5; <http://runer.ku.dk/VisGenstand.aspx?Titel=Sporup-sten>; http://runer.ku.dk/VisGenstand.aspx?Titel=V%c3%a4stra_Str%c3%b6-sten_2.

the years 1065–1074.³⁹ On a fragment of what seems to have been the bottom of a wooden vessel, “owns me” (*a mik*) is written. On another fragment of a wooden vessel, likewise found in Scania, the text is “Olavus owns me” (“Olavus me possi[det]”).⁴⁰ The verb used on the last object mentioned indicates that it is from the Middle Ages, i.e. after the Roman Catholic Church and Latin had taken root. As we shall see below, *possideo* was the verb used for own and *possessio* the noun for property in Danish deeds from the eleventh to the thirteenth centuries.

However, as we have just seen, the most commonly used word for “own” on the runic stones and other objects from the late tenth to the early eleventh centuries was the old Nordic word *atti*, sometimes appearing in the abbreviated form *a*. The basic meaning of the word was to own or to have but it was also used with the meaning of getting married, having children or friends, etc.⁴¹ The verb is related to the old Nordic word *æt* meaning family or kin, which could also mean property.⁴² We find the word for example in the old Nordic concept of *ættebod*, i.e. a fine to the bereaved family.⁴³ This juxtaposition of the words *atti* and *æt* indicates that ownership in the Viking Age was closely related to the family or kin. As we shall see later, that was exactly what one of the concepts of property found in the provincial laws from 1170–1180s to 1241 was. But before turning to the laws we will explore the terminology of ownership in the title deeds and testaments.

“Olavus me possi” was written in runes on one of the aforementioned objects. And as called attention to previously *possessio* is the commonly used noun for possession or property, and *possideo* is the verb usually used for to own or hold in Danish title deeds and testaments from the eleventh and twelfth centuries. In a deed issued between 1104 and 1117 by King Nils to St Cnut’s church in Odense, for example, we read about men who have land or other possessions (“habens terras vel alias possessiones”).⁴⁴ Likewise, in 1135 when King Eric Ericson (Emune) transferred land (“bonis que nostril iuris sunt”) to the cathedral

39 <http://runer.ku.dk/VisGenstand.aspx?Titel=Dalby-stylus>; <http://runer.ku.dk/VisGenstand.aspx?Titel=Dalby-stylus>.

40 http://runer.ku.dk/VisGenstand.aspx?Titel=Lund-karbund_4.

41 Erik Jonsson, *Oldnordisk Ordbog ved det Kongelige Nordiske Oldskrift Selskab* (Copenhagen, 1863), pp. 35, 102.

42 *Ordbog over det danske sprog*, vol. 27 (Copenhagen, 1954). <http://ordnet.dk/ods/ordbog?query=%C3%A6t&search=S%C3%B8g>.

43 Otto Kalkar, *Ordbog til det ældre danske sprog (1300–1700)*, vol. 4 (Copenhagen 1902–1907; repr. 1976), p. 975.

44 *DD*, 1.2, no. 32.

in Lund to set up a prebend he gave it “in possessionem eternam”. Moreover, the land was exempt from all royal rights (“a iusticia regali immunes et omnino liberas esse volumes”).⁴⁵ Also in 1135 Bishop Eskil of Roskilde confirmed a gift for the founding of a Benedictine monastery in the town of Næstved, given by Peder Bodilsen, his brothers, and their mother. They had made God their co-heir by making the monks partners of paternal inheritance. As part of this massive gift Peder had donated his manor, which he himself owned or possessed (“curiam suam ut ipse possederat”) with the whole household (*familia*). In return, the bishop waived the monks all customary service to the bishop so that God’s servants can own or possess the donated land freely and unaffected (“et ut servi Dei lebera hec quiete possideant”). The bishop also gave the monks all the bishop’s tithes from all their land or possessions in the bishopric (“itemque decimas omnium suarum in nostro episcopio possessionum”).⁴⁶ In 1145, King Eric Lam gave the displaced Bishop Herman of Schleswig land and royal rights on Zealand. Among other things, he gave him ownership or possession of a farm “in our law practice forever” (“perpetuo illi possessionis iure ut nostre legis”).⁴⁷ A deed issued by King Valdemar I confirming rightful possession of former royal estates by the Cistercian monastery at Esrum uses the terms *possessores* and *possidebat*.⁴⁸

We perhaps approach the meaning of this terminology by reading a couple of deeds from the second half of the thirteenth century. In 1262, Lady Estrid made up her will. To the beneficiary convent in Börringe in Scania she willed all she had in Scania (“bona mea que in Scania possedi”). A few years before, in 1257, Countess Ingerd of Regenstein declared at the outset of her will that she had full power over her belongings. Nevertheless, Ingerd had to divide her estates with her brother’s children in the king’s presence before she could dispose of the rest of her estates. She granted her nephew and her niece’s husband several villages against their consent so that Ingerd could sell (*vendit*), give away (*donet*), or dispose of her other estates (*possessionibus*) to whom she would.⁴⁹ The term *possessio* in Danish title deeds and testaments from the twelfth and thirteenth centuries indicates limited property. But, for good reasons, not in the sense we found in Roman law, where *possessio* could develop into *dominium*. According to the *Digesta*, after three years of *usucapio* movables

45 Ibid. no. 63.

46 Ibid. no. 64.

47 Ibid. no. 91.

48 Ibid. no. 122.

49 Ibid. 2.1 (Copenhagen, 1938), nos 226, 355.

became property, while land after ten or twenty years was turned into real property. In Countess Ingerd's case from the middle of the thirteenth century, full right to dispose of her estate, i.e. to sell or give it away, was acquired only when her brother's children had got their share. Ingerd's intention was to found a convent and even enter it. Therefore she made the pope order the Danish archbishop to protect her and threaten her family with the church's punishment if they prevented her from selling land for the establishment of the monastery.⁵⁰ The solution was, as we have seen, that she had to make a settlement with her brother's children before she could go ahead with her project. *Possessio* namely meant shared property or temporary property. The latter restriction on ownership could not be upheld when land was granted to the ecclesiastical institutions, but the first could. Thus, we saw monks becoming eternal partners of a donor's paternal inheritance when the Bodilsen family founded the monastery in Næstved. On the other hand, very often we learn that land donated to the clergy did not imply that the donor gave up all his rights to the land.

In the oldest Danish deed handed down to us, King Cnut the Holy in 1085 gave land and incomes from the land to the cathedral under construction at Lund. But the king kept three legal revenues to himself. Firstly, if a man becomes an outlaw he must buy his peace from the king, while his resources (*substanciam*) are taken by the provost and the brothers. Secondly, if a man on the donated land neglects to perform military service, he shall pay a fine to the king and thirdly, when the king arrives, horses shall be provided at his disposal.⁵¹ Thus, the king and the church shared property rights of the land donated. The same thing was the case in the aforementioned privilege given by King Nils to St Cnut's church in Odense. The king gave all his rights of the estates, villages, and land they owned and might own in future except three; the right of ship wrecks, fines for neglect of military service, and payment to buy an outlaw peace.⁵² Likewise, King Sven Grathe between 1146 and 1157 gave the bishops of Ribe cathedral half the royal right (*iuris regii*) of the town "exemptis forban, stranwræch iure xl marcharum".⁵³ It must be stressed that the royal rights, which are remitted or retained by the king, must not to be mistaken for royal taxes. These are the king's residual part of the land rent in various forms, which fell on the estates in question after the land and the other part of land rent were given away. After the donations had been carried out the king's

⁵⁰ Ibid. 2.1, nos 210, 227.

⁵¹ Ibid. 1.2, no. 21.

⁵² Ibid. no. 32.

⁵³ Ibid. no. 98.

rights are mentioned as his past rights in the charters. They were not generally chargeable royal prerogatives. This point is evident from a confirmation issued by King Valdemar I for the transfer of the village Villingrød to Esrum monastery. The charter states that the village previously had also belonged to Bishop Herman of Schleswig and that his heirs, just as King Valdemar's, could not claim any right to the village.⁵⁴ What we have in front of us is shared property, but that does not mean that donations generally were given in this form. In many cases the donors gave up all their rights to the estates which they gave away. Moreover, this particular form of shared property was not the most prevalent.

Thus, we see a co-meaning of *atti* in the vernacular and the Latin word *possessio*. Both words refer to shared and time limited property. We saw examples in testaments of how property was entrusted by the family in the owner's lifetime. This becomes very clear when we turn to the law of wills and succession in the provincial law-books and laws. In the first chapter of the law-book of Scania, written down in the first decade of the thirteenth century,⁵⁵ we read that if a man dies, the house, movables, and the land he has bought (*køpæ iorp*) while living with a woman shall be divided between her and the husband's heirs; all other land (*annur iorp*) shall be given to the right heirs (*rætræ aruæ*). The same principal distinction between two different kinds of property can be found for example in chapter seven, stating that if a man and a woman live together and part, either dead or alive, all land they have bought (*køpæ iorp*) and movables (*bolfxæ*) shall be divided equally between them or their heirs, but all other land shall return to the right heirs as the law is, it is added in chapter twenty-five.⁵⁶ This principal division of property into movables and bought land on one side and family land on the other is common in all the provincial Danish laws. In the older law, Valdemar's Law of Zealand, presumably from the 1170–1180s,⁵⁷ it is specified to sons and daughters in chapter two of the first book in the so-called *Arvebogen og Orbodemål* that "ancestral land [*fæthirnis iorth*] is the land the father had before he got their mother, or the mother had before she got their father", after the law in the previous paragraph has prescribed that sons and daughters cannot take ancestral land with them out of the joint ownership they are part of, until they set up their own and if their father and mother are still alive. Chapter fourteen states that "if a man gets a wife [*athulkuna*] and if one of them has a hundred marks or more and the other no more than one mark, all the same they shall share in common except the land [*there far*

54 Ibid. no. 129.

55 Kroman, "Danmarks gamle Love. Deres alder og indbyrdes Slægtsskab", pp. 117–118.

56 *The Law of Scania* 1, 7, 25.

57 See the chapter on Law, Justice, and Constitution.

vdan iorthu], i.e. ancestral land.⁵⁸ This beautiful principle is repeated in the first chapter of Eric's Law of Zealand from the middle of the thirteenth century.⁵⁹ If a man and a woman part, they each take as much land as they brought into their co-ownership. In case a man or a woman dies in such a joint ownership (*fæligh*) the deceased's family takes what that party had brought into the co-ownership.⁶⁰

According to the law of wills and succession in the provincial laws, couples living together in such a so-called *fæligh* inherited mutually except for ancestral land. Ancestral land could only be inherited by the deceased's family and that family did not include the partner in a joint ownership. The Law of Jutland from 1241 says that heritage must always be passed on, so long as there are offspring. If there are no siblings or parents to inherit, "then uncles, maternal uncles, nephews and nieces are all equally close". If a deceased grandchild has no mother and no siblings, then the inheritance goes to the grandfather and grandmother.⁶¹ This course of devolution of property is rather clearly explained in chapter forty-seven of the first book of Valdemar's Law of Zealand. The chapter states that if a man's (*bondans*) wife (*kuna*) dies and they have children, he and the children inherit the deceased's part of the land bought by the couple, houses, and all acquired movables ("køpi oc husum oc i alum fangum"), but the man (*bondan*) does not inherit any part of the deceased's inherited land ("fore vdan fæthirnis iorthu"). Likewise, "if the man dies" and "if there is land, inherited by him, this land belongs to his children, and is not hers, because she cannot claim any part of the man's property [*æghnu*] by a child".⁶² Partners in a *fæligh* could not inherit ancestral land from each other and neither could they convey ancestral land to each other without their heir's consent. If they do so "it will not stand unless the heirs will agree to it after their death".⁶³

This practice could obviously cause problems when the heirs may have had to find out title conditions later, not to mention when what was family land and what was bought land should be disentangled. Therefore, the Law of Jutland decides "that members of the family shall establish what was paternal land, maternal land, and land bought".⁶⁴ As we have seen, the concept of property

⁵⁸ *Valdemar's Law of Zealand* 1.1, 2.14.

⁵⁹ Kroman, "Danmarks gamle Love. Deres alder og indbyrdes Slægtsskab".

⁶⁰ *Eric's Law of Zealand* 1.1.

⁶¹ *The Law of Jutland* 1.4, 1.5.

⁶² *Valdemar's Law of Zealand* 1.47, *DGLK*.

⁶³ *The Law of Jutland* 3.43.

⁶⁴ "... skulæ samfrændær göræ tæt fæthærn oc thæt mōthærn oc thæn køpæ iorth thær thæ willæ." *Ibid.* 1.16.

in the provincial laws also included landed property that was not shared with and entrusted by the family in one's lifetime. Movables including houses, but except gold, also had a different status than ancestral land. On the other hand, according to the Law of Scania the same right applied to gold as to family land.⁶⁵ However, apart from gold, movables and land bought by a *fæligh* were governed by a different conception of property than family land.

Private Property

While gold was conferred the same status as family land, the terms of ownership of land bought with gold was of a different kind.⁶⁶ Bought land was called *købæ iorp* in the laws where together with movables it contrasts the legal status of inherited family land. To buy land was quite common in Denmark when the laws were written down, and land could even be purchased by kinsmen and family (*cognatis meis vel familiaribus*). This was apparently the case with some of the land Archbishop Asser gave to the brothers to establish prebends in 1123 at the consecration of the crypt in the cathedral in Lund. When explaining how he accumulated the donated land, Asser tells that even the land good men gave him for their own and their family's souls he bought from these men's families. Likewise, Bishop Sven of Aarhus in his testament from the late 1170s informs that the land he gave to the Cistercians at Øm had come into his hands by inheritance or by purchase (*emptione*).⁶⁷ Land could also be acquired as payment for services, perhaps military services. Thus, in 1147 Bishop Rikulf of Odense donated the village Geltofte to the Cnut brothers, which he had partly been given as gift to reward him for military services to King Eric Emune. Vice versa, land was sometimes given as payment to kings for one's peace (*pro pace*).⁶⁸

In the deeds from the half century before the laws were drawn up, we also find certain formal procedures connected with the transfer of landed property. When in 1133 Archbishop Asser gave land to establish prebends he stressed that there were many witnesses to the fact that he had acquired these lands by right of law. To arrange testimony for land transfers was probably an old procedure in the twelfth century, but to write down a title deed was a relatively new measure. It was a procedure that came with the Catholic Church, and it

65 "Pæt sammæ ær ræt um gul ær um iorp, at arf gangæ rætum arfum; æn kōpæs iorp mæp gul, þa gar hun sum annur kōpæ iorp." *The Law of Scania* 30.

66 Ibid.

67 *DD*, 1.2, no. 56; 1.3, no. 70.

68 Ibid. 1.2, nos 21, 99.

was no more common in 1135 than a deed of gift to the cathedral in Lund, which states that the transfer is made through this document (“per presentis paginas”) and the royal and the present witnesses’ seals placed on the document.⁶⁹ Public transfer was an important formality whether the transfer took place in the presence of the king, like when Countess Ingerd distributed her estate in 1257, or as when Lady Margrete made her will public at the thing in Viborg in 1263 before she took the veil.⁷⁰ The latter procedure cannot be traced in the deeds back to the twelfth century, but it was certainly an important formality in the laws from the first half of the following century.

“If a man wants to sell land to another man, he has to convey [*skøtæ*] it at the thing, but if it is not conveyed at the thing, he must then proclaim it at the thing”, states the Law of Scania.⁷¹ The Law of Jutland gives a more explicit formulation that “land must be conveyed at the thing and nowhere else, that is the thing, where the land is [i.e. the local thing] or the district thing [*sysæl thing*] or at the provincial thing [*landz thing*] or for the king [*æth for kuung*] because testimony given at the thing binds that there can be no proof against it”. “Testimony at the thing is given by the good men present when they testify about what they heard and saw. Less than seven men cannot keep a thing. So many men make a full testimony at the thing.”⁷² The *skøtæ* or *scotacio* procedure is described in detail by Anders Sunesen in his Latin paraphrase of the Law of Scania.⁷³ Thus, there are in the laws formalities regarding sale of land which must be observed in order to witness land transactions. It is noteworthy that in the Law of Jutland land transactions can be testified by one of the things, or alternatively by the king.⁷⁴ It recalls *mancipatio* in Roman law so far as both the Law of Scania and the Law of Jutland demand buying and selling of land to take place in the presence of public witnesses. However, it must be stressed that only transactions of free and transferable land were subject to this formality.

Inheritance of family land did not acquire formal procedures at the thing or by the king. However, if a father both had legitimate children (*athul kunu*

69 Ibid. nos 56, 63.

70 Ibid. 2.1, nos 226, 380.

71 “Uil man sæliæ andrum iorp, pa skal skøtæ ofna ping; æn skøtæs æi ofna ping, pa liusæ pæt ofna ping.” *The Law of Scania* 52.

72 *The Law of Jutland* 1.37, 1.38.

73 Anders Sunesen’s *Latin Paraphrase of the Law of Scania* 38.

74 “Uvitæ sculæ allæ men thær thænne bok se, at waldemar kunungh annæn waldemar ... loot han scriuæ thænnæ book oc gaf then næ logh thæræ standær scriuæn a danskæ I worthingburgh mæth hans sunar rath ... oc thæræ til allæ bæstæ menz rath thær I hans rikie waræe.” *The Law of Jutland* Preamble.

børn) and illegitimate children (*sløkiþrith børn*) and he wished to give them something “he must go to the thing and proclaim that they are his children and give them what he wants. Land he must convey [*sköte*] and movables [*bolþæ*] he must proclaim for the men at the thing ... and after the father has died they will not get anything else than what he gave them when he was alive”.⁷⁵ Thus, illegitimate children could not inherit family land, land bought, or movables from their father, only from their mother, the Law of Scania makes clear.

According to the Law of Scania, a boy (*suenbarn*) is entitled to sell land when he is fifteen winters old, a girl (*møbarn*) cannot before she has come with a man (*ær mannæt*), while a widow can dispose of land in the presence of her closest relative, acting as her guardian. The latter provision is repeated in the Law of Jutland, but here the age limit for boys’ land sales has been changed to eighteen winters. Women could not sell land without their guardian’s consent, whether he was the father, husband, or another close relative. But a husband could sell his wife’s land if they had a child together and if he could pledge equally good land as collateral. The latter condition was of course for the sake of her family. Nevertheless, the husband could inherit from his deceased wife, if they had children together, the same share of her land, family land, as one of their sons. In other words, a share of the woman’s part of the family land could be transformed into part of the husband’s family land, but again of course not vice versa. This provision only appears in the Law of Jutland.⁷⁶

In other words, family land was transferable after all. We have seen that land could be traded within the family. The Law of Scania in fact says that land shall first be offered for sale within the family, and the later Law of Jutland and Eric’s Law of Zealand details this provision. The first lays down that land shall be offered for sale to the closest family (*næstæ frændær*), and Eric’s Law of Zealand provides that land shall be offered to the closest heir (*nest arffuing*). If a member of the immediate family will not buy, the land must be offered for sale three times at the thing, and the family still has preferential right to buy. The family has a right to buy the land for the highest price, compared with what the equivalent type of land could previously be bought for. If the family still does not want to buy, the land can then be sold to a third party in free trade. These provisions also apply to mills and woods. Consequently, family property could change status to freely transferable property in different ways. Family land, mills, and woods could come on the market and by the sale change status to bought land (*køþæ iorp*). As we saw above, bought land was

⁷⁵ *The Law of Scania* 59.

⁷⁶ *Ibid.* 46; *The Law of Jutland* 1.6, 1.35, 1.36.

subject to different rules of inheritance to family land. Whether bought land could be freely re-sold by the purchaser, without first being offered for sale to the family, is not made clear by the laws. In the light of the well-known, massive concentration of landownership throughout the Middle Ages it is, however, very likely that bought land could be freely re-sold by the immediate purchaser. Seen from the vendor's side, the revenue from the sale, if it was not gold, had the status of movables, which were subject to the same rules of inheritance as bought land, and could be disposed freely without any restrictions from the family. Thus land, mills, and woods could change status from family property to private property in at least two ways. On the other hand, the restrictions on trade in family land just accounted for, and the fact that land bought when it was inherited by the heirs of the purchaser probably was transformed into family land, restrained the development of a free land market, provided that the law was obeyed. As stated in the Law of Jutland: "... all the land a peasant [*bondæ*] buys, whether he lives together with the children or not, is called the paternal [*fætærn*] land except the share the wife [*hwsfrø*] gets", i.e. she inherits from her husband.⁷⁷

Ways of Acquiring Land

It appears from the discussion of the development of the concept of property in Danish sources from the High Middle Ages that landed property is detectable in written sources maybe as early as the late tenth century, and that a land market emerged in the twelfth century. Before 1100, it seems that landownership in general was restricted to family land being distributed to members of the family. There are indeed indications of large scale landownership but it is doubtful that ownership of large estates was widespread in the land of the Danes in the tenth century. There are more such indications from the eleventh century, but they are still far from plentiful. The earliest reliable knowledge of major landed property is the deed from 1085. It is probable that the development of landed estates in the Middle Ages was closely related to the advance of religious institutions. At least it is evident that the knowledge we have of landed property is based on sources produced by clergymen after the church and the monasteries had gained a firm foothold in Denmark in the late eleventh century.⁷⁸ The ecclesiastical and monastic sources provide detailed

⁷⁷ *The Law of Scania* 51; *The Law of Jutland* 1.6, 1.34; *Eric's Law of Zealand* 3.2, 3.5.

⁷⁸ Nils Hybel, "The Roman Catholic Institutions and the Creation of Large Landed Estates

information of their sources of land accumulation. The most important way of acquiring land for the religious institutions was by donations from lay landowners, but men could not freely give away land without their heirs' consent. In 1133, Archbishop Asser accounted for the land he had given to the brothers at the church in Lund in 1123, and how he had acquired the land. Some of the land had been donated to him as *frankalmoin* by good men "and these lands I again acquired by purchase from their immediate heirs", he wrote.⁷⁹ So it was not possible to donate land without paying compensation to the heirs. With the laws from the second half of the twelfth century guidelines were, however, drawn up for how much and what individuals could donate to ecclesiastical institutions. Even though these rules are not always very clear to understand they seem to have facilitated the donations.

The oldest of the laws has a cryptic provision that if a father, in good health, will enter a monastery he can take his entire lot with him, leaving his paternal and maternal land to his children, while if he enters a monastery and takes the monastic vow he shall leave his children nothing. The following two chapters are more clear on this issue. They say that if he gets sick and will enter a monastery or give to the church or anyone else, he may not give more than half his lot away. This is also the case when he dies, whether he is sick or well when he makes his decision. The rule, that a man may only donate half his lot, we also find in the Church Law of Zealand. If a son enters a monastery, without the father's approval, the father shall nevertheless defray the son's part in bought land and movables to the monastery at the time of entry.⁸⁰ By the latest of the laws, *frankalmoin* by women is also set to half their share of an inheritance which they cannot give without their husband or guardian's consent.⁸¹ Thus, the portion to which heirs were entitled by the law was twice as high as it was according to Justinianic Roman law, in which the heirs only were entitled to 25 per cent while 75 per cent of one's fortune could be freely left by will, although there were restrictions in Justinianic law on who could be favoured by will. From the time of Emperor Constantine (306–337 A.D.), it was possible to bequeath to the church. The testament was an institute of Roman law which was introduced in the third to fourth centuries A.D. to prevent fragmentation of heritage.⁸²

in Denmark", in *Settlement and Lordship in Viking and Early Medieval Scandinavia*, eds S.M. Sindbæk and B. Poulsen (Turnhout, 2012).

79 *DD*, 1.2, no. 56.

80 *Valdemar's Law of Zealand* 48–50, 69. *Zealand's Church Law* 8, *DGLK*.

81 *The Law of Jutland* 1.39, 3.45.

82 Tamm, *Romerret*, pp. 180–192.

Even though the Danish laws, probably inspired by canon law, liberally opened for lay donations to the religious institutions, canon law in general favoured flexible testaments over fixed rules of inheritance.⁸³ As we have seen, testaments were already made in Denmark in the twelfth century. Despite testaments, or perhaps because of wills and the regulations of how much people could donate to churches and monasteries, occasionally cases occurred where heirs opposed the hereditary claims of bishops, monasteries, and churches. The law also gave procedural rules for these cases.⁸⁴ We have already become acquainted with the case of Countess Ingerd of Regenstien who had to share her estate with her brother's children before she could provide land for establishing a convent in Roskilde. It ended a conflict that had lasted approximately four years and had involved the bishop of Roskilde, the archbishop of Lund, the pope, and the king.⁸⁵ This conflict was certainly not an isolated case. For the church in Roskilde alone, twenty-eight cases of such land disputes between the church and heirs of donors have been identified in the run up to 1300.⁸⁶ Therefore, we know much about the donations that the religious institutions received from secular landowners, but we know very little about how these donors accumulated the land they gave to the religious institutions and retained for themselves.

The ways individuals and institutions came into possession of land which we have encountered can be summarized as follows: in return for peace, frankalmoin, by inheritance, as a reward for military service, and by purchase. Some-time land sales had to be facilitated by use of shady methods, as when the Cistercian monks had to frighten the rich, old, headstrong peasant Api Hals to sell his land between the two lakes Gudensø and Mossø when the monks wanted to move their monastery from Kalvø to Øm.⁸⁷ It is a rather isolated episode in Danish sources. We otherwise have only one other source indicating that the powerful came to land through the use of physical or psychological violence. The *Roskilde Chronicle* (c. 1138) says that King Harald Hen (1074–1080) ordered “that the woods which the mighty had taken over should be common”.⁸⁸ On the other hand, we have seen several examples of donors of land to

83 Brundage, *Medieval Canon Law*, pp. 89–90, 97.

84 *Valdemar's Law of Zealand* 51; *The Law of Jutland* 1.39.

85 *DD*, 2.1, nos 191, 192, 200, 226.

86 Emil Lauge Christensen, *Jordkonflikter med gejstligheden i Roskilde indtil 1300—En social og retlig analyse*, unpublished thesis (Copenhagen, 2010).

87 *Exordium monasterii quod docitur Cara insula*, ed. M.Cl. Gertz (Copenhagen 1918–1920; repr. 1970), p. 176.

88 “Hic siluas, a solis potentibus obessas, communes fieri iussit”, *Chronicon Roskildense*, p. 23.

ecclesiastical institutions explicitly accounting for how they had come to the donated land by inheritance, purchase, or other legitimate ways. This shows, not surprisingly, that those who issued the deeds for good reasons, as they were beneficiaries, already at the end of the eleventh century were respecting property rights, or at least thought that this institution should be respected. Maybe these detailed explanations of how the donor came into possession of the land he gave away suggest that powerful men had not always used peaceful methods to assemble large land properties. Psychological violence was sometimes in use, as we have seen, and physical violence perhaps was too, at least indirectly. Protection from rapacious magnates was presumably a motive for peasants to give up landownership and become tenants subject to powerful men. Avoiding royal taxation in return for paying rent to a landlord was probably another reason why landowning peasants in the Late Middle Ages became tenants. Although the indications of this process are few and indirect before 1300, it has been argued that it began sometime in the middle of the thirteenth century.⁸⁹ By 1500, freeholders who were subject to the Crown owned merely 15 per cent of the land in Denmark.⁹⁰ Three hundred years before it seems that peasant landownership was a lot more common, but perhaps not in all districts of the country. A tentative estimation based on a medieval survey from Sorø monastery compared with a land register from 1664, shows that in thirteen parishes between Sorø and Ringsted on Zealand peasants merely owned some 25 per cent of the land in the thirteenth century. The rest of the land was in the hands of magnates.⁹¹

As mentioned previously, a tremendous accumulation of land took place in the Middle Ages. We are, of course, best informed about the religious institutions, some of which already in the beginning of the thirteenth century seem to have had amassed the main part of the land they owned when the church and monastic land was expropriated by the Crown in the Reformation. The Crown land around 1230 amounted to perhaps some 5 per cent of the land in the country, and some other lay magnates owned land on a scale where they could afford to endow large estates to finance the founding of monasteries.⁹² Minor lay landowners are accounted for in *King Valdemar's Survey* (c. 1230), but only on Falster. Judging by the size of the land they owned most of them must be counted as peasants. Together they owned 25 per cent of the island. The survey

89 Erik Ulsig, *Danske Adelsgodser i Middelalderen* (Copenhagen, 1968), pp. 47–49.

90 Hybel and Poulsen, *The Danish Resources*, p. 400.

91 Poul Nørlund, "Jordrotter på Valdemarstiden", in *Festskrift til Kristian Erslev den 28. December 1927 fra danske Historikere*, ed. Poul Nørlund (Copenhagen, 1927), pp. 141–170.

92 Ibid. pp. 166–170.

of Sorø Monastery informs us that the Lille family owned half the land in the village Alsted on Zealand. The other half was divided between twelve owners.⁹³

Only data about land transactions among the upper strata of society has been preserved for posterity. Peasants did not make deeds, they relied on oral practice, on witnesses, and traditional proceedings when land was bought and sold. We shall soon see how the laws took into account some of the problems which could arise from this oral practice. Among magnates and minor landowners, the practice of writing important transactions down for posterity was, inspired by the clergy, increasing in the twelfth and thirteenth centuries. Therefore the development of a land market can be studied. The existence of such a market can be documented already in the early twelfth century. We have seen that in 1123 Archbishop Asser claimed that he had bought land, and so did Bishop Sven of Aarhus in a deed from 1170. In a deed from 1183 it is explained that the land that King Cnut VI gave to St Cnut's monastery in Odense, he had bought from Aastred Troelsen, who had bought the land from Gunnar's heirs and Peder in Lukki.⁹⁴ The chronicle of the monastery at Øm tells that in 1166 King Valdemar I bought land in Hadelev from his relative Margrete's heirs in order to give it to the brothers in exchange for land at Veng.⁹⁵ Exchange of property was common between landowners in the twelfth and thirteenth centuries. Thus, between 1164 and 1178 Bishop Absalon exchanged a wood and cultivated land near the village Tømmerup with Esrum monastery against land in the villages Gentofte and Ordrup. Absalon explains that the wood and the land at Tømmerup he had acquired from King Valdemar either by purchase, in exchange of property, or as a gift. Around 1170 Bishop Absalon accounted for Sorø monastery's claim of land at Gudum, Lynge, Ellinge, Slagelsebo, Vemmelev, Asserbo, and Undløse by exchange of property, by purchase, or as gifts. In 1205, the same monastery exchanged land in the district of Merløse with land owned by Johannes Ingerdsen in Pedersborg and in the neighbourhood of this locality near Sorø. Soon after, the monastery also acquired part of a wood by exchange of property with a lay landowner.⁹⁶ Many more land transactions, either by sale or by exchange of property, could be referred to, but from the selected examples it seems a not too daring conclusion to suggest that a lively land market existed in the twelfth and thirteenth centuries.

93 Ulsig, *Danske Adelsgodser i Middelalderen*, pp. 33–34.

94 *DD*, 1.3, no. 111.

95 *Exordium monasterii quod docitur Cara insula*, p. 169.

96 *DD*, 1.2, no. 162; 1.3, 1–6; 1.4, no. 104, 105.

This land market also included temporary exchanges of land by mortgaging, which in cases where the debtor failed to fulfil his obligations became a permanent transfer of land. The oldest Nordic word to pawn is *wæth*. The most frequent occasion to pledge was the granting of loans, but to pawn is also seen in the laws as a way to compensate fines and as compensation for field damage, for logging, or for breach of the law in general. If the debtor failed to pay the debt on the date fixed, the mortgage fell due to the creditor as his property. For mortgages on land this type was in the Late Middle Ages called *wæth per modum forwæth*. The laws do not prescribe the disclosure requirements of the pledge, but the parties' interest in securing evidence ensured that the pledge often took place at the thing.⁹⁷ Still, this was not always a sufficient measure. The Law of Scania regulates how the thing should deal with cases where there was doubt whether a man has given his land in the mortgage and deed by the pledge, or the land deed to everlasting possession. A similar provision is contained in Valdemar's Law of Zealand's older edition. In this provision, it is explicitly mentioned that such a conflict could arise if the men at the thing did not remember on what condition the transfer of land was undertaken.⁹⁸ Thus, these chapters of the laws took account of the most obvious disadvantage of oral transfer of land and show, together with several other chapters of the laws, that pledging was a known way of making land transactions when the laws were written down in the late twelfth and first half of the thirteenth centuries.

This practice seems to have continued until mortgage deeds became common during the fourteenth century. Therefore, besides the laws we only have a little written evidence of mortgaging from the period studied in this book. However, we probably find a very early example in King Cnut the Holy's deed to the church in Lund from 1085. In the document, it is mentioned that part of the land the king donated he had released (*soluebat*) from Thorgisl Gunstensen. We cannot know for sure, but it is possible that the king had redeemed pawned land.⁹⁹ In turn it is directly stated in a testimony of various land transactions from c. 1145 that some of the land was mortgaged (*inuadiavit*).¹⁰⁰ Only two references to mortgaging of land can be found in the sources from 1200 to 1350.¹⁰¹ However, it is registered by Hamsfort in the sixteenth century that one King Eric issued a mortgage deed for a sum of gold and silver, which he borrowed from

97 *KLNM*, vol. 13, cols 95–96.

98 *The Law of Scania* 84; *Valdemar's Law of Zealand*, older edition, 214.

99 *DD*, 1.2, no. 23.

100 *Ibid.* no. 86.

101 *DD*, 1.5, no. 120; 1.7, no. 229.

St Cnut monastery in Odense. The information that it was a loan in gold and silver might indicate that the deed was issued by one of the three kings named Cnut from the twelfth and thirteenth centuries. The monastery lent King Eric of Pomerania money in the 1420s and there were no kings by the name Cnut in the fourteenth century.¹⁰²

According to classical Roman law, if a man was in actual possession of land for two years he had prescriptive right to it. Later, Justinian's *Digesta* lay down that it took ten or twenty years to obtain prescriptive right of land, and forty years for claims against the church. Actual possession of land or other objects was perhaps also a way of acquiring property in Denmark, but the period of time for obtaining prescriptive right was different than in classical Roman law and the *Digesta*. In the Law of Scania and Eric's Law of Zealand, people have prescriptive right, a man's right to prove his right to the land, when he had harvested the land three times. Likewise, if a man sells his wife's land, and one of her relatives opposes this, the buyer cannot obtain prescriptive right to the land unless he three times announces the sale at the thing and no one objects.¹⁰³ The vendor shall defend the buyer against claims of the transaction for three years before the purchaser obtains prescriptive right to the land or a mill.¹⁰⁴ At times, one could, however, obtain prescriptive right and the right to legally defend ownership against anybody as soon as the land has been conveyed.¹⁰⁵ These provisions in the provincial laws seem primarily to attach to the problems that could arise from land transactions, if ownership was unclear, but they could also be used when uncultivated land was taken into use. Both characterized Denmark in the twelfth and thirteenth centuries. Attempts to solve disagreements about boundaries, threats of divine punishment, and church sanctions against violations of title to land frequently occur in deeds.¹⁰⁶ And colonization of uncultivated land was, as in the rest of Europe, a well-known feature in Denmark in the High Middle Ages.¹⁰⁷

102 Ibid. 1.6, no. 154.

103 *The Law of Scania* 76, 78; *Eric's Law of Zealand* 3.6.

104 *Valdemar's Law of Zealand*, older edition, 204, 206, 207, 208; *The Law of Jutland* 1.41; *Eric's Law of Zealand* 3.6.

105 *The Law of Scania* 79.

106 See for example *DD*, 1.2, nos 56, 63; 2.1, no. 210.

107 Hybel and Poulsen, *The Danish Resources*, pp. xvii, 8–9, 30–33, 39–41, 49, 111–112, 115, 136–138, 154, 158, 383–384, 400.

Common Rights and *Dominium Utile*

The most obvious source of medieval colonization were woods. The first millennium A.D. experienced an expansion of woodland and the forest area peaked during the last two decades of the tenth century. There followed a period of intense clearing during the eleventh and twelfth centuries, turning a great deal of woodland into arable land. Wood seems to originally have been called *alminding*, i.e. common land, but powerful men began from the end of the eleventh century at latest to claim rights to woodlands. As mentioned previously, the *Roskilde Chronicle* from the late 1130s says of King Harald Hen (1074–1080) that “he ordered that the woods which the mighty had taken over should be common”.¹⁰⁸ The king tried to protect the common woods against appropriation by powerful men and in return for this effort he could impose duties levied for the use and colonization of the woods, and in the long run allow him to reserve exclusive rights to certain woods to himself and his followers. Thus, ownership of the woodlands, *dominium directum*, was concentrated in still fewer hands. In the thirteenth century, the king owned some of the most important forests in Denmark. The accumulation of woodland by the Crown and aristocracy meant that it was preserved as a common resource for peasants, so far as the owners did not destroy ancient common rights to woods, as some of them did in some parts of the country during the Late Middle Ages. The Law of Scania says that men in the same village could have an *alminding* together “wood or moor or other kinds of wasteland”, but in many places the peasant only had his common land at the mercy of the king or another aristocrat. The peasants could cut timber or otherwise use the *alminding* by royal or noble decree. In the thirteenth century, noblemen in eastern Denmark claimed the right to the trees, while peasants could use the bushes and scrub. The peasants had a restricted *dominium utile* right to the forest.¹⁰⁹

In classical Roman law, *res publica* could not be owned by individuals. Likewise, according to the Law of Scania peasants living together in a village were not allowed to build in the common street or on the village green (*forte*).¹¹⁰ Neither did the men in a village own a specific piece of land. If men lived by the law, they owned land as a share of a common village field, which at intervals or at certain requests was redistributed among the shareholders.¹¹¹ The land was held in common while peasants individually owned or used a part of the

108 *Chronicon Roskildense*, p. 23.

109 Hybel and Poulsen, *The Danish Resources*, pp. 1–8.

110 *The Law of Scania* 67.

111 *Eric's Law of Zealand* 2.54, 2.55, *DGLK*; *The Law of Jutland* 1.45, 1.46, 1.48, 1.49.

common land. Not all villagers were landowners because, as Anders Sunesen put it in his paraphrase of the Law of Scania, “since some have to lease out their land and some have to lease from others, it is beneficial that the laws are specifically adjusted to prevent both sides from injuring each other, that neither the tenant be suppressed by force by the landlord or the landlord be a victim of the tenants’ cunning”. Sunesen continues that “leases are normally one-year terminal” and that both conclusion of the lease and payment shall be at the Assumption.¹¹² According to the Law of Jutland, the tenant, *colonus*, was legally independent of the landowner and,¹¹³ as touched on above, subject to royal taxation if they were not exempted from it by royal charter. These leasing conditions and legal status of tenants probably lasted for the next two or three hundred years. *Coloni* appear in documents from most of the twelfth century.¹¹⁴ It is, therefore, plausible that *dominium utile* was a common form of land possession in Denmark some hundred years before this concept was introduced by Accursius. At the end of the Middle Ages, the major part of Denmark was cultivated by peasants holding land as tenants. Thus, the great rural majority of the population possessed land by *dominium utile*, while a vanishingly small aristocratic minority owned land by *dominium directum*.

Conclusion

Absolute ownership has never existed. In classical Roman law ownership was, nevertheless, considered absolute in contrast to right being relative. Ownership was absolute insofar as more than one could not claim the right to an object in a hierarchical system, but not in the sense that the owners’ rights were unrestricted. In Roman law possession and ownership were two different things. From the distinction between possession and ownership followed the owners’ right to protect their property, including the owner’s right to litigate against a person in possession of his property. Consequently, Roman law also included certain types of leasehold. In the late Roman Empire, these lease forms were combined and codified as copyhold. Lease and ownership existed side by side as a continuation from Roman law to early Germanic law. Thus, continuations of certain property law aspects can be detected from late Roman law to early Germanic and Frankish law.

¹¹² Anders Sunesen’s Paraphrase 143–149.

¹¹³ *The Law of Jutland* 32.66.

¹¹⁴ Nils Hybel, “The Creation of Large-Scale Production in Denmark”, *Scandinavian Journal of History* 4 (1995), 259–280.

Still, it has been argued that in the Middle Ages down to the twelfth century there was only a very meagre theory of property, derived from the Bible and the church fathers. That is right insofar as no theoretical concept of property existed before the twelfth century, but in practical life ownership of resources was indeed practised by families, individuals, and institutions. In the Early Middle Ages, *dominium* meant physical force, not a legal right, to dispose of a resource, whether the powerful used it themselves or let it out to tenants performing services and/or paying rents. In time, the fusion of power and law gradually dissolved. Power and right was in practical life closely connected throughout the Middle Ages, but with the rise of central power right came increasingly to rest on the law. The lawyers of the twelfth to thirteenth centuries played a crucial part in this process. By developing the pair of concepts of ownership *dominium directum* and usufruct *dominium utile* from *Corpus iuris civilis* and *Libri feudorum*, they achieved two important and connected results. On the one hand, they produced legal legitimization of the prevailing actual complex societal relations concerning the disposal of natural and human resources. On the other hand, by building this legal legitimization on what they took for eternal Roman law, the legal justification of the distribution of resources was brought into harmony with divine providence. However, the medieval idea of property was not embedded in an abstract concept of general rights and functions; property was conceived as concrete and specific rights and powers.

The first written sources documenting landed property and ownership of locations from within the territory of the medieval kingdom of Denmark are two runic stones found in Scania and dated between 970 and 1120. The old Nordic word for “own” used on the stones was *atti*, presumably related to the old Nordic word *æt* meaning family or kin, indicating that ownership in the Viking Age was related to the family or kin, maybe resembling one of the concepts of property we find in the later provincial laws. *Possessio* is the noun commonly used for possession or property, and *possideo* is the verb usually used for “to own” or “hold” in Danish title deeds and testaments from the eleventh and twelfth centuries indicating limited property. In contrast, *possessio* in Roman law could develop into *dominium*. In medieval Denmark, full right to sell or give away an estate was acquired only after one’s heirs had had their share of inheritance. The Latin word *possessio*, and presumably also *atte* in the vernacular, meant shared property or temporary property. This becomes very clear when we turn to the law of wills and succession in the law-books and laws. In the laws, ancestral land (*fæthirnis iorth*) is described as land inherited for life which the possessor cannot dispose of freely. Family land could not be traded freely and it could not be inherited between spouses in a so-called *fæligh*. It was held for a lifetime and had to be returned to members of the family after

the holder died. Thus, ancestral land can be defined as shared and temporary property.

The first mentioned restriction on ownership, being shared property, could be upheld when land was granted to the ecclesiastical institutions, but the latter, the temporary nature of property, could not. The religious institutions could become eternal partners of a donor's paternal inheritance. This particular form of shared property was, however, not the most prevalent form of ecclesiastical property. Mostly the donors gave up all rights to the estates they gave to ecclesiastical and monastic institutions. In the first half of the twelfth century, it was not possible to donate land without paying full compensation to the heirs though. With the laws from the second half of the twelfth century, it was laid down that individuals could donate half their share of an inheritance to the religious institutions. That was twice as much as possessors of land could give away according to Justinianic Roman law. The Danish laws, probably inspired by canon law, opened for lay donations even though canon law in general favoured flexible testaments over fixed rules of inheritance. Testaments were made in Denmark already in the twelfth century. Thus, the church in two ways paved the way for transfer of land from lay hands to the religious institutions. However, despite liberal laws on donations and testaments, there were numerous land disputes between the church and the heirs of donors of *frankalmoin*.

In the Danish laws so-called bought land (*købæ iorp*) had a different legal status than ancestral or inherited family land. Thus, the laws operated with two different forms of landownership. Bought land could be traded freely and reciprocally inherited between partners of a so-called *fæligh*. The difference between the two forms, however, was not well defined, as ancestral land could be sold to a third party, provided certain conditions were met. Consequently, family land could in different ways change status into freely transferable land. This was a major step towards the development of a modern concept of landownership. To buy land was, however, not new in Denmark when the provincial laws were written down. Even before the laws certain formal procedures were connected with the purchase and sale of land. In the laws these formalities were lined up. Witnesses were acquired and land transactions had to be conveyed at the thing or to the king recalling *mancipatio* in Roman law. In contrast, inheritance of family land did not acquire formal procedures.

Land could be acquired in return for peace, by *frankalmoin*, by inheritance, as a reward for military service, and by purchase. Sometimes land sales also had to be facilitated by use of shady methods. Donors of land to ecclesiastical institutions often explicitly accounted for how they acquired the donated land either by inheritance, purchase, or other legitimate ways. The clergymen issu-

ing the deeds and their beneficiaries obviously held that property rights should be respected. On the other hand, some of these detailed accounts may have been attempts to cover up the less peaceful methods by which donors had come into possession of the land they donated. Psychological violence was sometimes in use, physical violence perhaps was too. Protection from rapacious magnates was presumably a motive for the peasants who gave up landownership and became tenants subject to powerful men.

A market for selling and buying land among the upper strata of society can be documented from the early twelfth century. This market also included temporary exchanges of land by mortgaging, which in cases where the debtor failed to fulfil his obligations became a permanent transfer of land. Unfortunately, we have no data on peasants buying and selling because they probably relied on the oral practice described in the laws. This was indeed not always an unproblematic practice. Not all peasants, however, were landowners. Some never owned land and many peasants gave up landownership and became tenants. The peasants owned or rented uncultivated land (*alminde*), the village green, etc. in common and their individual allotment in the village field was not a fixed piece of land, it was a certain measure or share of the village field, which was occasionally reallocated. This share was held either as *dominium directum* or as *dominium utile*. These forms of land possession were common in Denmark at least some hundred years before Accursius introduced this pair of concepts in the first half of the thirteenth century. At the end of the Middle Ages, the great majority of the rural population possessed land by *dominium utile*, while an aristocratic minority owned land by *dominium directum*.

Landownership seems to have been sacred in the thirteenth century. Eric's Law of Zealand says "that a man cannot lose his land otherwise than by the fact that he draws out of the realm and with a foreign army attacks his own realm and ravages it", in other words, by treason.¹¹⁵ Landed property was extremely important and in title deeds we find dramatic threats of heavenly and earthly sanctions against those who dared to violate the title to land. Landownership existed in the Viking Ages and by the twelfth and thirteenth centuries possession of land had become the basis of wealth, power, and honour. In the High Middle Ages, the forms of possession of land discussed by European lawyers had developed in Denmark, even though Accursius, Bartolus of Saxoferrato, and Baldus's terminology cannot be found in Danish sources. Danish aristocrats and many peasants, like Thomas Aquinas, were presumably in agreement with Aristotle's dogma that private property is a precondition of a good life and

115 Eric's Law of Zealand 2.27.

a civilized society. They undoubtedly all agreed with Aquinas that “those who hire out their labour are poor people. While those who hire out other things are commonly rich, and do not need the money for their immediate needs”. The actual existence of land held by *dominium directum* and *dominium utile* was the prerequisite for a power structure based on land rent and tax.

Tax

The word tax (*skat*) is sometimes used by historians interchangeably for virtually any duty in the Middle Ages. This can be ascertained for example by reading the monograph on medieval Danish fiscal history from 2002, or by consulting the Danish translations of medieval diplomas in *Danmark Riges Breve*.¹ In both publications the distinction between tax and land rent is vague. It can, indeed, also be a difficult distinction to make because, like today, both categories assumed many forms in the Middle Ages. In addition, the medieval terminology was far from consistent. In stateless societies, such as the medieval, the distinction between the private and public sphere was inherently vague. Therefore, the difference between income from the king's private property and the revenues of institutional, monarchical property and prerogatives were hard to distinguish. Medieval kings were both landowners and territorial rulers. Still, we have indications of an awareness of this difference at an early point of time. In a passage in the Old English heroic poem *Beowulf*, a distinction was made between ownership of land and what belonged exclusively to the king, namely the territory of the realm. According to the poem, Beowulf was given seven thousand hides (*bold*) of land by the Danish King Hrethel, and that those living on the land had customary right to it, while the realm belonged exclusively to the most distinguished.² From this distinction, made by an anonymous author sometime between the eighth and eleventh centuries, follows the theoretical distinction between the livelihood and revenues derived from landownership, and incomes from the territory of a realm.

The concept of tax relates to the formation of kingdoms. It can be said that tax and central power are coherent concepts.³ Tax is a marker of the existence of a central power. In the introduction and the chapter on *marca*, *feudum*, and

1 In *Dansk Skattehistorie* from 2002 all kinds of rents, services, dues, customs, tributes, fines, and taxes are grouped under the concept of "royal taxes". Michael Venge, *Danmarks skatter i middelalderen indtil 1340*, *Dansk Skattehistorie*, vol. 1 (Copenhagen, 2002); Nils Hybel, "Skatten som civilisationens krumtap", 1066 *Tidsskrift for Historie*, no. 2 (Copenhagen, 2005); *Danmarks Riges Breve*, 1st–2nd series (Copenhagen, 1939–).

2 *Beowulf*, pp. 132–134.

3 The editor of *Taxes, Tributes and Tributary Lands in the Making of the Scandinavian Kingdoms in the Middle Ages*, points out this coherence in the first chapter to this anthology. Steiner Imsen, *Taxes, Tributes and Tributary Lands in the Making of the Scandinavian Kingdoms in the*

sovereignty it is shown that in the Middle Ages people were also of this opinion. One of Bartolus of Saxoferrato's defining criteria of sovereign central power was the right and the ability to collect taxes, even though "taxation by government posed serious threats to property rights". This problem was often raised by commentators, particularly the question of what authority could be entitled to this fundamental violation of property rights. For canonists and civilians there was attributed no special mystique to institutions, whether ecclesiastical or secular, that would enable such groups to intrude upon private property and rights of their members. "Unanimous agreement, not majority consent, was the unbreakable norm when the personal possessions of individuals in corporate bodies were touched. The jurists firmly maintained that a majority vote could not place monetary obligations on members of a corporate group".⁴ Medieval kingship was, however, not exactly a corporate body, even though elective monarchy, as we have seen in the chapter on a *speculum regale*, was a widespread dogma shared by Danish chroniclers from the twelfth century. Powerful kings could, of course, impose taxes by force, but this was branded expropriation and tyranny by medieval European lawyers. Alternatively, taxes could be negotiated with taxpayers aware of the favours the king could deliver in return. In either case, taxation is a marker of the development of medieval kingship. Therefore, the concept of tax is central for the research of the European formation of central powers or kingdoms, and therefore it is very unfortunate when historians use the term interchangeably with land rent and other private royal revenues.

It is also vital to separate regular royal taxes from occasional tributes extracted from and gifts given by defeated people. Revenues from occasional tributes and gifts, like simple looting, do not imply permanent control of a population and a territory in the way that the collection of regular taxes does. The decentralized power system of conflicting, ravaging warlords with little or no permanent territorial control is coherent with the concept of tribute, just like tax and the central power of the territorial medieval kingship are coherent concepts.

Middle Ages (Trondheim, 2011); Nils Hybel, "Taxes, Tributes and Tributary Lands in the Making of the Scandinavian Kingdoms in the Middle Ages", *NHT* 9.4 (2012).

4 John F. McGovern, "Private Property and Individual Rights", pp. 140–141.

Tribute, Plunder, and Gifts

In the ninth and tenth centuries, apart from the exploitation of slave labour, the Danes' most common ways of acquiring the work and property of others depended on trade, robbery, gifts, and tribute. To a large extent, power depended on intimidation and the collection of tribute. Through plunder and the control of trade, great men secured the means needed to keep armies of housecarls—*lid*, see the chapter on war and peace. Frankish and Anglo-Saxon sources described the Northmen's raids in north-western Europe and how they collected tribute and received "gifts"—sometimes in order to leave an area. The potential for acquiring wealth in this violent way was limited in the areas inhabited by the Danes. Hardly more than 800,000 to 900,000 people lived in the area which was later to become medieval Denmark. The populace lived by agriculture, fishing, hunting, and from what could be collected on the extensive uncultivated areas. We have archaeological evidence of large, rich settlements from the Iron Age and Viking Age, for example on the banks of Lake Tissø in western Zealand, at Lejre in Mid-Zealand, and at Gl. Hviding near Ribe in south-western Jutland, but none of these settlements seem to have served as large agricultural holdings.⁵ Thus, outside the relatively few commercial centres the proceeds from robberies and opportunities for collection of tribute must have been limited. The main trade centres were located in southern Jutland. Trade and transport from the Baltic Sea transhipped overland via the Hedeby (*Haithabu*)/Schleswig to Hollingstedt axis to the North Sea was an important link in the North European trading system until the twelfth century. Hedeby/Schleswig at the east coast of Jutland, together with Ribe at the west coast, were the most important economic centres. It is therefore not surprising that the fighting amongst the Danish chiefs and between them and the rulers from the south was primarily centred on southern Jutland.

Danes certainly did plunder each other. Adam of Bremen noted around 1070 that "sometimes they plunder their own people. They are treacherous and cruel to each other. As soon as one has taken his next prisoner he sells him to a kinsman or another barbarian as a slave". Zealand's extraordinary wealth of gold came from "the Zealand pirates' [*pyratae*], Vikings [*Wichingos*] as they called them, pillaging of the many barbarians living around the sea", i.e. the Baltic Sea. The king of the Danes had given them permission to do so

5 Lars Jørgensen, "Manor and Market at the Lake Tissø in the Sixth to Eleventh Century: A Survey of the Danish Productive Sites", in *Markets in Early Medieval Europe: Trading and Productive Sites* c. 650–850, eds Tim Pestell and Catharina Ulmschneider (Oxford, 2003), pp. 175–207.

in return for payment of tribute (*tributum*), and when they plundered their own, it was an abuse of that permission, according to Adam of Bremen.⁶ Many Danish warlords, however, turned to the northwest European towns and the rich monasteries and churches, which were unknown in their homeland. It was the numerous reports of this quest for riches in Christian Europe that formed the foundation for the creation of the notion “Viking” in the nineteenth century, which has developed into the well-known Scandinavian brand of today.⁷

Based on information in the Frankish annals, it has been calculated that throughout the ninth century, the Northmen collected 44,250 pounds of gold and silver from the Carolingian rulers and their men. In contrast, there are only a few similar entries in the *Anglo-Saxon Chronicle* from the same century. Only in the late tenth century did extensive attacks on England spark heavy payments of tribute, *danegeld*, to the Northmen aggressors.⁸ In the reigns of Aethelred and Cnut the Great *danegeld* was an enormous levy.⁹ Henry of Huntingdon in his *Historia Anglorum* up to the year 1154, claims that in the thirteenth year of King Aethelred, the English paid 10,000 pounds “to the Danes to induce them to refrain from plunder and slaughter ... And this infliction has continued to the present day. For now we pay to our kings the customary tax which was levied by the Danes, from intolerable fear”.¹⁰ Henry of Huntingdon, in other words, claimed that the irregular tribute to the Danes over the one and a half centuries up to his own day had commuted to a regular, customary, royal English tax. In the Frankish chronicles, several examples of the opposite can be found.

In 860, Charles the Bald imposed a tax on all church treasures, farms, and merchants, even the poor, in order to pay the Danes three thousand pounds of silver to drive out or kill the Danes on the Seine. It has been held that only

6 AB, p. 233.

7 Martin Brandt Djupdræt, “Vikingen bliver til”, in *Vinkler på Vikingetiden*, eds Mads Blom et al. (Copenhagen, 2013), pp. 6–14; Mette Boritz, “Vikingerne lever”, in *Vinkler på Vikingetiden*, eds Mads Blom et al. (Copenhagen, 2013), pp. 104–111.

8 Ernst Dümmler, “Geschichte des ostfränkischen Reiches”, vol. 2, *Jahrbücher der deutschen Geschichte* (Leipzig, 1987), p. 108. Erling Albrechtsen, *Danmark i Oldtiden* (Copenhagen, 1949), p. 154; Erling Albrechtsen, *Vikingerne i Franken* (Odense, 1976), p. 142.

9 M.K. Lawson, “The Collection of Danegeld and Heregeld in the Reigns of Aethelred and Cnut”, *The English Historical Review* 99 (1984), 721–738; John Gillingham, “The Most Precious Jewel in the English Crown: Levels of Danegeld and Heregeld in the Early Eleventh Century”, *The English Historical Review* 104 (1989), 373–406.

10 *The Chronicle of Henry of Huntingdon*, trans. Thomas Forester (London, 1953), p. 178.

allodial lands were exempt.¹¹ Four years later, in 864, King Lothar collected four *denarii* from each farm in his realm and gave the sum of money together with a considerable amount of flour, livestock, wine, and beer to the Northman Rodulf and his men as *tribuit*. Only two years later, King Charles settled an agreement with the Northmen to pay them four thousand pounds of silver. To pay this *tributum*, he taxed his realm. From each freehold were to be collected six *denarii*, three from bond men (*servile*), all merchants should pay a tithe of what they owned, the clergy was taxed, and the military due, *heribanni*, paid by all Franks, was confiscated. In addition, all farms, free and servile, had to pay another *denarius* and finally all the magnates, *vices*, of the realm had to pay a contribution of money and wine depending on the fief (*honoribus*) they held twice. All these taxes were collected in order to pay the agreed amount to the Northmen.¹² The description of these events suggests that the management and power of the Frankish kings over their kingdom made them able to levy taxes on land, trade, and church treasures with the purpose, among other things, of meeting occasional Northman demands for tribute. This impression of a well-organized tax authority is confirmed by an entry for the year 869, which states that King Charles promulgated a decree that all ecclesiastical and secular vassals had to submit a list of all fiefs, with the full number of farms and houses. In addition, he ordered that for every hundred farms one worker (*haistaldum*), and for each one thousand farms, a cart with two oxen together with other costs, should be provided in order that these workers could build and guard the castle which he had commanded to be built of wood and stone in Pistas.¹³

It is likely that early Danish rulers used forced labour on similar construction projects, but there is no real proof of it. The Danish ring castles at Trelleborg in western Zealand, Fyrkat in eastern Jutland, Aggersborg near Limfjorden in northern Jutland, and Nonnebakke near Odense on Funen are generally taken to have been royal fortifications. Datings by dendrochronology have found that some of the trees used for the constructions were felled in 980, i.e. in the renowned Harald Bluetooth's time. It is also generally believed that he was behind the construction of these fortifications.¹⁴ It might, however, have been other builders. It could just as well have been local rulers, invading Vends or Germans, as a single Danish ruler. It is all speculation devoid of

11 J.L. Nelson, *Charles the Bald* (London, 1922), pp. 213, 250.

12 *Annales Bertiniani*, pp. 53, 67, 81.

13 Ibid. p. 98.

14 Steen Wulff Andersen, "Trelleborg", in *Reallexikon der Germanischen Altertumskunde*, vol. 31 (Berlin, 2006), pp. 157–160; Eva Nyman "Trelleborg", *ibid.* pp. 118–119.

solid empirical substance—see the chapter on war and peace. Whether it was Harald Bluetooth or other possible builders does not change the fact that we have no historical information about the means by which the required workforce was raised.

The ambitious building project Dannevirke, the rampart across Jutland along the overland transshipment route from Hedeby at the head of a narrow, navigable inlet known as the Schlei, which connects the Baltic Sea to Hollingstedt at the River Treene, which flows into the Eider with its North Sea estuary, was started already in the seventh century. Over the next five hundred years this rampart was, through numerous phases of construction, expanded into a thirty-kilometres-long fortification. Such an enterprise can hardly have been built without the existence of some kind of conscripted workforce or slave labourers, but we have no evidence of that. The first narration of the project can be found in an entry for the year 808 in the *Annales regni Francorum*, which states that the Danish king Godfred transferred the Abodrite town, Reric, and the merchants of this town to Schleswig (*Sliestorp*), i.e. Hedeby, where the king stayed for a few days, and decided that a rampart should be made in defence against the Saxons partly along the River Eider from the Baltic Sea to the North Sea coast.¹⁵ While the erroneous description of the course of the rampart must be due to the chronicler's lack of geographical knowledge, it can be noted that a building phase around 808 has not yet been identified archaeologically.¹⁶

Over time, several renowned royal individuals have been credited for their efforts in the construction of Dannevirke. According to the chronicler Sven Aggesen, Valdemar I (1157–1182) repaired the Dannevirke with a brick wall, but he died before he had completed it.¹⁷ A lead sheet in Valdemar I's tomb in Ringsted, found in 1855, makes this effort into an even greater deed. Among the king's other merits it claims, contrary to what archaeology has since proven, "he also built, as the first, to the protection of the kingdom, a wall of burnt stones, which is commonly called Dannevirke". Before this inscription was made, sometime after 1202 Sven Aggesen actually introduced another myth about who took the initiative to build the rampart. According to Aggesen, it was King Gorm's Queen, Thyra (c. 950), who ordered and organized the construction of the entire fortress. Aggesen's story says a lot about his and contemporary ideals of the just ruler and his or her relations with their subjects. In contrast to her husband, Thyra was a true heroine. If she had only "been

15 *Annales regni Francorum*, p. 126.

16 Birgit Maixner, *Haithabu. Fernhandelszentrum zwischen den Welten* (Haithabu, 2010), p. 24.

17 Aggesen, *Brevis historia*, pp. 138–139.

cleansed by the spring of baptism" she would, in the eyes of Aggesen, have been perfect. In her days, the German emperor, Otto, made Denmark tributary. To liberate the Danes from the German yoke of servile tribute, Thyra sent out a decree throughout the kingdom that the entire population should appear near Schleswig and build a strong fortification as quickly as possible. The erection of the fortification took only two to three years because they all had to obey her. They were all, rich and poor alike, Thyra's tenant farmers (*coloni*).¹⁸ In Aggesen's days, some two hundred years later, it could indeed be a tenant farmer's or a town dweller's duty to perform labour service. Still, we have no contemporary records verifying the existence of such services in the tenth century. Another thing is that archaeological evidence does not support the idea that the entire rampart was built at the same time.

According to a Frankish chronicler the Abodrite town Reric had enriched Godfred's realm by payment of taxes, before Godfred transferred the merchants to Schleswig. During the tenth century, the Dannevirke was fully developed including a rampart encircling Hedeby. The alignment based around Hedeby, and endpoint at Hollingstedt by a waterway to the Elbe leading into the North Sea, indicates that one of the purposes of the completed rampart was to protect the transit trade crossing southern Jutland from east to west and vice versa.¹⁹ Trade, merchants, markets, and towns were probably objects for taxation for Danish kings before 1000, but apart from numismatic indications of royal revenues, we have no evidence of royal taxation of commerce before the eleventh century. Still, it is plausible that towns and commerce were taxed earlier. It is, after all, much easier to control and organize regular fiscal revenues from well-defined locations like markets, cities, and transit routes than to control and tax large tracts of land. The financial options for founding a Danish central power on taxation were found more conveniently in urban settings and in trade, than in the surrounding, relatively weakly cultivated landscapes characterized by poor infrastructure. Trade, crafts, and towns were, therefore, early suitable tax objects and towns consequently developed to be demarcated fiscally from the rest of the country, when kingship during the Middle Ages grew strong enough to impose taxes on the land.²⁰ Vice versa the presence of a central power was crucial to early urban growth, and it could be argued that Danish towns in the

18 *SM*, pp. 108–109, 112–115.

19 Hybel, *Danmark i Europa*, pp. 92–93; Maixner, *Haithabu*, pp. 25–27.

20 The concept of town has been defined as densely populated centres of a hinterland which are demarcated fiscally. Anders Andrén, *Den urbana scenen. Städeroch samhäll i det medeltida Danmark* (Malmö, 1985), p. 13.

tenth and eleventh centuries were primarily strongholds for kings and powerful magnates together with the newly established church.

It is well known that the Carolingians and their vassals had well-organized large landed estates. Transmitted by the clergy, they adopted the Roman practice of making surveys of their estates. The most complete of these Carolingian surveys, *polytyques* or *descriptiones* as they are sometimes called, is the account of the estates of monastery Saint-Germain-de-Prés made shortly before 828. This survey gives a description of administration and revenues of the manors.²¹ Similar skills only spread to Denmark in the thirteenth century, when details of the royal estates are set out in *King Valdemar's Survey* (c. 1230).²² The first proper surveys made on Danish soil only appeared in the fourteenth century. They were drawn up by the canons of Aarhus Cathedral (c. 1315) and by the bishop of Roskilde (c. 1370).²³ Nevertheless, historians have imagined that the early Danish kings conscripted manpower for the aforementioned large-scale constructions. It is possible, but we have no evidence for it. There is in general no reason to believe that the Danish kings before the twelfth century had the power or adequate government administration to levy taxes nationwide—see the chapter on the realm. Like the Roman Catholic Church during the Middle Ages developed the idea of sovereign, central power into the notion of medieval monarchy, the church was also a bearer of an ancient heritage in technology, administration, tax administration, and law, and the main agent of the development of these fields in the Middle Ages. With the clergy followed from the late eleventh century gradually the art of writing, the awareness of the legal importance of written evidence, and the technical, administrative insight into how to organize and get the most out of landownership and mastery of a territory. It is unlikely that many people were able to read the rune stones in the tenth and eleventh centuries. The runic alphabet was not adequate for advanced administrative purposes or communication. In general, writing in the Middle Ages relied on the Latin alphabet. It became the medium of Danish literature and charters from the late eleventh century and Latin became the dominant language. “The earliest surviving examples of the Latin alphabet to be used in Denmark are coin legends, the first dating from 995.”²⁴

21 *Polytyque de l'abbaye de Saint-Germain-des-Prés*, ed. A. Longnon (Paris, 1886).

22 KVJ.

23 “Kannikebordets Jordebog 1313”, in *Århus Domkapitels Jordebøger*, vol. 3, ed. Poul Rasmussen (Copenhagen, 1975); *Århus Kannikebords Jordebog ca. 1315*, ed. Poul Rasmussen (Viborg, 1992); “Roskildebispens Jordebog”, *Danske Middelalderlige Regnskaber*, ser. 3, vol. 1, Roskildekirkens Jordebøger og regnskaber (Copenhagen, 1965).

24 Hybel and Poulsen, *The Danish Resources*, pp. 85–86.

Mint Taxes

The inscription on these coins reads “Swein, King of the Danes” and on the reverse side “Godwine”, the name of the Anglo-Saxon mint master. The place of minting cannot be established. The most common type of coins found from the last quarter of the tenth century are, however, the so-called “cross type” coins with no inscriptions. We do not know who issued these coins. Nor can the authority responsible for earlier Danish coins can be determined. The minting of coins in south Jutland can purportedly be traced back to the eighth and ninth centuries. The quantity of these early coins was moderate, while the finds of coins dated to the end of the tenth century indicate that the minting of these was considerable. It is claimed that around 1017/18 King Cnut the Great controlled the mint in the newly-established town Lund in Scania as well as in Viborg in Jutland, and around 1025 he set up mints in Roskilde, Ringsted, and probably also Ribe. Cnut and his successor Harthacnut also minted coins in Slagelse, Ørbæk, and Hedeby. Simultaneously, a distinct Danish monetary system was created.²⁵ While it seems plausible that from Sven Forkbeard’s day the minting of coins in Denmark was partly controlled by kings, it might be hard to understand why coinage was produced in the country at all. The evidence of hoards indicates that in the period 1025–1050 only about 7–9 per cent of the coins found on Danish soil were actually minted in Denmark.²⁶

Without a monopoly to control the output of mints and the coins in circulation it does not make much sense to mint coins. Assertion of a currency monopoly is a prerequisite to tax commercial activities indirectly through the medium of exchange. Without this monopoly it is impossible to ensure a surplus from the mint. The early Danish kings obviously did not exercise mint monopolies for the country as a whole, but historical factors suggest that some of them and/or warlords in certain periods controlled the mints and the circulation of money in certain towns. As argued before, it obviously requires significantly less power to establish a mint monopoly over a limited locality, such as a town, than over an entire country. Several million *penning* were issued from the last years of the tenth century to the mid-1030s, when mints were established in many Danish towns. In Lund, a reform of the coinage was implemented in 1040 by Harthacnut, but only for a very short while, maybe because he died in 1042.²⁷ This initiative suggests that a monopoly of coins was held by Harthac-

25 This monetary system, ten *penninge* = one *ørtug*, three *ørtug* = one *øre*, eight *øre* = one mark, was in use until about 1330.

26 Ibid. p. 327.

27 C.J. Becker, “Studies in the Danish Coinage at Lund during the Period c.1030–c.1046”, in

nut in Lund. Coins were, however, presumably also issued for non-commercial purposes such as political propaganda. The very few coins bearing Sven Forkbeard's name and later coins struck at Hedeby by Magnus the Good, bearing the portrait of his father, King Olaf, and the non-English coins minted c. 1026/28, possibly demonstrating Danish opposition to Cnut the Great, seem to have been issued for political reasons. The early coins of Sven Magnus, minted in Lund, continued this practice. They can be interpreted as religious propaganda, but they might also have had a political purpose during Sven's struggle against Magnus the Good.

The second half of the eleventh century was a turning point in the history of Danish coinage insofar as a Danish mint monopoly seems to have been established. It is debatable whether this mint monopoly was established in the later years of Sven Magnus's reign (1047/76) or if it was not introduced in Denmark until the reign of his son Harald Hen (1074–1080).²⁸ This monopoly of Danish mints was more or less upheld for the next two and a half centuries or so. The monopoly is indicated by coin finds, primarily from coin hoards found in Denmark, showing a clear dominance of standardized Danish coin types. At about the same time, royal names disappeared from the coins, which may be interpreted as people other than the kings issuing coins, e.g. bishops. Episcopal symbols on coins indicate that bishops at times had income from the mints. The first such indication is from around 1100, indicating that Bishop Sven Norman had revenues from the mint in Roskilde. Archbishop Asser presumably had part of the mint in Lund soon after, and it seems to have been a permanent arrangement from the late 1130s.²⁹ The first written evidence in charters is from 1213, when King Valdemar II verified that the archiepiscopal see, among other gifts, received a quarter of the revenues of the mint in Lund in Archbishop Eskil

Viking-Age Coinage in the Northern Lands. The Sixth Oxford Symposium on Coinage and Monetary History, eds M.A.S. Blackburn and D.M. Metcalf (Oxford, 1981), pp. 449–477; C.J. Becker, "The Coinage of Harthacnut and Magnus the Good at Lund c. 1040–c. 1046", in *Studies in Northern Coinages of the Eleventh Century*, ed. C.J. Becker (Copenhagen, 1981), pp. 119–174; C.J. Becker, "Lund—Odense—Lund. Numismatiske bidrag til Danmarks historie i 1040'erne", *Hikuin* 11 (1985), 175–182; *Tusindtallets Danske Mønter fra Den kongelige Mønt og Medaillesamling*, ed. Jørgen Steen Jensen (Copenhagen, 1995), pp. 72 ff.

- 28 C.J. Becker, "Danske mønter som historisk kildemateriale i 1000-tallet", in *Festskrift til Olaf Olsen* (Copenhagen, 1988), pp. 123–136; Hybel and Poulsen, *The Danish Resources*, pp. 328–329; Svein H. Gull, "Myntforringelse i Danmark og innføring af monopolmynt under Sven Estridsen (1047–74)", *Nordisk numismatisk årsskrift* (1994–1996), 122–123.
- 29 Keld Grindler-Hansen, *Kongemagtens krise. Det danske møntvæsen 1241–1340* (Copenhagen, 2000), p. 54.

and Absalon's time.³⁰ From then on, episcopal incomes from the mints in Lund, Roskilde, Ribe, and Schleswig became the norm. Thus, in 1234 King Valdemar II gave the bishop of Ribe the plough penny of three districts (*Syssel*) in return for half the revenue of the mint in Ribe controlled by the bishop.³¹

As touched on above, minting was profitable for a number of reasons given a mint monopoly. Coins could carry a surplus value in relation to their precious metal content and they could be devalued successively. In addition, coins could be reissued (*renovatio monetarum*), i.e. all old coins in circulation were replaced with new issues of debased coins, or the old coins were exchanged for a smaller quantity of new ones.³² It has been held that the first coin renewal took place in Scania around 1170.³³ It is, however, worth noting that there are no written sources which directly refer to *renovatio monetarum* before King Valdemar II's charter to Lübeck. This charter exists only in an edition, probably a forgery, from around 1225. No records mention annual coin exchanges from Valdemar II's reign. Neither do the archaeological finds of coins indicate systematic, let alone annual, currency reforms. The written sources show several attempts to introduce *renovatio monetarum* towards the end of the thirteenth century, but apart from Scania, where the archbishop had the right to issue coins, the finds of coins do not suggest a systematic enforcement of a money exchange system for this period.³⁴ Nonetheless, it has been shown that Danish coins in general were debased successively from the middle of the eleventh century and throughout the rest of the period dealt with in this study. Debasements of the coinage were not necessarily tied to systematically enforced currency reforms. Reductions in the precious metal content of coins do not necessarily imply *renovatio monetarum*.

The average percentage of silver in Danish *pennings* fell from well over and about 90 per cent in the eleventh century to about 10 per cent around 1300.³⁵ An

30 DD, 1.5, no. 34.

31 DD, 1.6, nos 182, 219, 240.

32 Jørgen Steen Jensen, "Møntfornyelser (*Renovatio monetarum*) i Danmark indtil år 1200", *Nordisk Numismatisk Unions medlemsblad* 8 (1996), 130–136; Grinder-Hansen, *Kongemagten's krise*, pp. 44–71.

33 Georg Galster, "Knud den Helliges jyske mønter", *Årbøger for Nordisk Oldkyndighed* (1934), 129–136.

34 Keld Grinder-Hansen, "Møntfornyelser (*renovatio monetarum*) i Danmark fra år 1200 til Christopher II's død i 1332", *Nordisk Numismatisk Unions Medlemsblad* (1997), 130–136.

35 Hardy Domar, "Pengeombytning og møntudstedelse i det danske rige ca. år 1000-ca. år 1360", fig. 1 (forthcoming).

example of debasement can be found in King Sven Grathe's (1147–1157) charter for the town of Schleswig. The king granted the town the right to mint, on the condition that only one *ørtug* of copper was added into each mark, and that the king was to decide when new coins were to be issued and received the revenue.³⁶ It is, however, difficult to say how much the king profited from the mints.

From the late eleventh century onwards, minting was principally carried out in a limited number of larger towns: Lund, Roskilde, Ribe, Viborg, and Schleswig. In principle, only the king, or the bishops and towns with the king's permission, issued coins to circulate in the kingdom in the twelfth century.³⁷ The earliest information of the king's income from the mint is presented in a list of royal revenues included in the collection of surveys, calendars, and other material known as *King Valdemar's Survey*. The omission of Schleswig in the list dates it to after 1232, when this province became an independent duchy of King Valdemar II's son, and before 1234, due to the fact that royal income of the mint in Ribe is not recorded.³⁸ The mint in the latter town was controlled by the bishop until 1234, when he gave the king half the income of the mint.³⁹ Since royal income of the mint in Viborg is not recorded, at the time of the list coins were apparently not minted at Viborg. The list records only royal revenues of the mints in eastern Denmark. The king's income from the mint in Roskilde was eighty marks *penning* and from the mint in Lund he had *penning* from three hundred marks of silver.⁴⁰ This substantial income has been converted to a total of nine hundred marks of silver from Roskilde, and 1200 marks of silver and eight marks of gold from the mint in Lund.⁴¹ In the latter town the use of coins was moderate until the middle of the twelfth century, while during the following century the urban monetary economy increased like in many other towns.⁴² The expansion of the urban money economy together with the

36 *DD*, 1.2, no. 96.

37 For example, around 1175 King Valdemar I handed over half the income of the mint in Schleswig to the bishops of St Peter's church for the remission of his sins and for the salvation of Queen Sophie, and the souls of his heirs and his predecessors. *DD*, 1.3, no. 50.

38 *DMA*, 171.

39 See note no. 31. Ribe and the hinterland of the town was a royal enclave in Schleswig.

40 *KVJ*, 1.2, p. 54.

41 Erik Ulsig and Axel Kjær Sørensen, "Studier i Kong Valdemars Jordebog—Plovtalsliste og Møntskat", *HT*, 14.2 (Copenhagen, 1981–1982), p. 20.

42 Peter Carelli, "Den tidligmedeltida staden som monetär arena—exemplet Lund", in *Mid-dealderbyen*, ed. Søren Bitsch Christensen (Aarhus, 2004), pp. 63–78.

massive rise of new commercial towns from the end of the twelfth century must have stimulated the income of the mints, and likewise the kings' revenues from the mints.

Town and Market Taxes

Income from the mints was not the only royal revenue from the towns. Markets and towns were dynamic centres in the medieval economy, and geographically markets and towns were manageable sizes to control and protect as opposed to the vast rural areas. The Middle Ages experienced a professionalization in trade. The so-called Vikings were opportunistic warriors, traders, and farmers. Their ships were combined rowing and sailing vessels suited for either trade or plunder. The numerous rowers could propel the ship and protect the vessel and its cargo as well as form the attacking force when looting afoot. In contrast, the medieval freighter was exclusively a sailing ship that did not require as many crew members and could carry more cargo. The other side of the coin was that it was not well suited for combat. In warfare, they could only be used as supply ships or floating fortresses.⁴³ Security and protection, therefore, were essential for the use of non-oared sailing ships and the growth of cargo vessels. Merchants' fraternities and guilds played an important role in this, but safe conduct and license to trade on foreign markets could also be sought from princes and kings. Medieval merchants needed protection and strong warlords were in a position to deliver in return for payments in cash, products, or services. Nevertheless, piracy and naval warfare were widespread in the Middle Ages because no North European power was able to control the waters, only some of the towns and market places where merchants met to exchange goods.⁴⁴

Markets and towns formed an suitable source of taxation for medieval kings and princes. That is why Danish kings during the Middle Ages increasingly tried to concentrate trade in towns and regulated markets by issuing munic-

43 Anton Englert, "Naves Magnae—Den professionelle søhandels fartøjer", in *Ett Annat 1100-tal. Individ, kollektiv och kulturella mönster i medeltidens Danmark*, eds Peter Carelli et al. (Stockholm, 2004), pp. 111–117; Jan Bill, "The Cargo Vessels", in *Cogs, Cargoes, and Commerce. Maritime Bulk Trade in Northern Europe*, eds Lars Berggren, Nils Hybel and Annette Landen (Toronto, 2002), pp. 92–119; Jan Bill, Bjørn Poulsen, Flemming Rieck and Ole Ventegodt, *Dansk Søfarts Historie*, vol. 1 (Copenhagen, 1997).

44 Thomas Heebøll-Holm, *Ports, Piracy and Maritime War: Piracy in the English Channel and the Atlantic, c. 1280–c. 1330* (Leiden, 2013).

ipal charters and privileges to merchants. The oldest Danish municipal charter was given to Schleswig around 1200, but indications can be found that kings controlled this town even earlier. During the following three hundred years, approximately one hundred predominantly coastal towns in Denmark obtained municipal charters. By extension, in the Late Middle Ages royal decrees were issued to reduce trade outside the market towns, stimulated by increasing complaints from the towns, especially in the southern Danish islands, that Danish peasants exported their agricultural products directly to Lübeck, and that German and Dutch merchants bought all kinds of agricultural products in illegal ports.⁴⁵ Likewise both civic and princely authorities from the mid-thirteenth century tried to limit the number of crafts carried out in the rural areas by monopolizing them as urban crafts.⁴⁶ In line with the efforts to concentrate and monopolize trade and crafts in towns, still more and increasing taxes were imposed on the urban population.⁴⁷

As we saw previously, according to *Annales regni Francorum* the earliest Danish king to yield revenues from a town by controlling its merchants was King Godfred, who in 808 destroyed the Slavic town Reric, which had brought his kingdom great benefits by collection of taxes. This town and its merchants were transferred to Hedeby/Schleswig. Godfred reportedly stayed there a couple of days and decided that he would fortify his kingdom's border with Saxony. We also saw that a building phase of the Dannevirke around 808 cannot be identified archaeologically. Still it is plausible to imagine a connection between this defensive structure and trade at least from the tenth century, when Dannevirke was fully developed including a rampart encircling Hedeby.⁴⁸ The importance of the transit route across Jutland along the Dannevirke from Hedeby to Hollingstedt tailed off after the founding of the German town Lübeck, in the middle of the twelfth century, and the establishment of the Lübeck-Hamburg axis as an alternative transit route from the Baltic Sea to

45 Poul Enemark, "Vesteuropa, Lybæk og dansk handel i senmiddelalderen", *HT* 15.6 (1991), 373–375; Poul Enemark, "Herremandshandel i senmiddelalderen og 16. århundrede", in *Riget, magten og æren. Den danske adel 1350–1660*, eds Per Ingesman and Jens Villiam Jensen (Aarhus, 2001), pp. 398–425; Orla Vestergaard, "Forkøb, landkøb og forprang i middelalderlig dansk handelslovgivning", in *Middelalderstudier. Tilegnede Aksel E. Christensen på tresårsdagen 11. september 1966*, ed. Tage E. Christiansen (Copenhagen, 1966), pp. 185–218.

46 *DGK*, vol. 1, pp. 233–234, vol. 3, pp. 521–522; John M. Eriksen, *Håndværkerlavene i Danmark 1400–1600*, unpublished thesis (Copenhagen, 1984), p. 28.

47 Mikael Venge, *Fra åretold til toldetat. Middelalderen indtil 1660* (Viborg, 1987), pp. 175–186.

48 See notes 12, 13, 16.

the North Sea. We have, however, no records documenting royal income from Hedeby or the transit trade from the tenth century. But it seems plausible that King Godfred's reported practice of taxing a town and its merchants was continued by the kings in the tenth century. The first document indicating a Danish king's control of the town is a report in the town law of Schleswig, according to which King Sven Grathe (1147–1157) granted the townsmen their own legal rights. According to the charter, the king's predecessor, King Sven, i.e. King Sven Magnus (1047–1074), was the originator of these rights, but it does not mention any dues to the king from the town in return.⁴⁹

There are no records of royal revenues of any Danish town before the end of the eleventh century. According to the charter from 1085, King Cnut the Holy not only donated land, but also “of the money that each year is given of the tofts in Lomma three marks; of the same money of Helsingborg three marks, of the tofts in Lund twenty-one marks” to the cathedral in Lund, which was under construction.⁵⁰ One hundred and twenty-seven years later, when Valdemar II was made king, he confirmed the donation. At that point the royal income from the town of Lund had apparently risen slightly, since the cathedral now received twenty-seven marks of the annual tax of the plots in the town.⁵¹ Later, in 1213, it was specified in a confirmation issued by the king that the cathedral in Lund had received one quarter of the income of the town of Lund and one quarter of the revenue from the mint in the town.⁵² In 1140, after the first donation to the church in Lund, King Eric Lam, at the request of the founders of the monastery, Peder Bodilsen and his brothers, gave St Peter's monastery in Næstved all rights and income from the market in said town, three- and forty-mark fines,⁵³ “together with the obligation which in Danish is called *midsommergæld*”, presumably a tax payable each year at midsummer.⁵⁴ In the charter the king also commutated the military service (*expeditio*) of the townsmen and other men of the monastery into the

49 DD, 1.2, no. 95.

50 DD, 1.2, no. 21.

51 DD, 1.4, no. 45.

52 DD, 1.5, no. 34.

53 See chapter on Law, Justice, and Constitution.

54 It was at least an annual fee in Copenhagen some 100 years later in 1254, when the town lord was the bishop of Roskilde, Jacob Erlandsen. DD, 2.1, no. 138. The castle *Havn* King Valdemar I gave to his friend Absalon, who was bishop of Roskilde before he was elevated to be archbishop of Lund. Absalon bequeathed the castle to the church in Roskilde. At that time Havn was also a town which later acquired the name Copenhagen. DD, 1.3, nos 137, 174, 180, 190, 194, 236.

obligation of once a year bringing the king and his men over to Falster or Lolland or other adjacent islands, when necessary.⁵⁵ Thus, the founders of the monastery in Næstved made the royal town lord support the monks with some of his income from the town.

King Eric Lam's cousin, King Valdemar I, confirmed the grant with minor changes around 1177. One of them was that he remitted the townsmen the "one-day service" to transport the king and his men to one of the islands south of Næstved.⁵⁶ King Valdemar also put an upper limit on the tax exemption at six marks.⁵⁷ Judging from the confirmation of the grant issued by Valdemar II in 1209, the *midsommergæld* on Næstved was still in force during his reign. Likewise this royal town tax is mentioned in Archbishop Anders Sunesen's and Valdemar II's confirmations of the privileges of the monastery of St Cnut in Odense sometime after Valdemar's accession to the throne.⁵⁸ In 1229, Odense and half the income from the mint on the island of Funen was given as a dowry to Queen Eleonora, when she married Valdemar III the son of Valdemar II.⁵⁹

Sometime during Sven Grathe's reign (1147–1157) the king accepted four petitions from the townsmen of Schleswig, one of them being that they should not give the king a fur of marten, if they paid the king the eighty marks they had paid earlier to his forefather, King Eric (1095–1103).⁶⁰ King Sven Grathe also profited from the town of Ribe on the west coast of Jutland. A charter shows that he granted the bishop of Ribe half the royal revenues of the town except *forban*, i.e. payments of safe conduct, right of wreck (*strandwreæch*), and forty-mark fines.⁶¹ Almost a century later, sometime between 1230 and 1246, the townsmen of Ribe declared to Archbishop Uffe of Lund that the bishop of Ribe, Gunner, still had half the royal revenue from the town except the aforementioned three rights and the duty on horses, which was introduced later.⁶² Ringsted on Mid-Zealand was apparently also in the hands of King Sven Grathe. In 1148, the king

55 *DD*, 1.2, no. 78.

56 In 1254, the bishop of Roskilde, Jacob Erlandsen, imposed a similar but much more itemized and comprehensive duty on the citizens of Copenhagen. When the bishop had reason, they were to sail him across the sound to Scania and at their charge make boat and twelve-man crew available. *DD*, 2.1, no. 138.

57 *DD*, 1.3, no. 67.

58 *DD*, 1.4, nos 49, 52, 56, 160.

59 *DD*, 1.6, no. 98.

60 *DD*, 1.2, no. 96.

61 *Ibid.* no. 98. The grant was confirmed by Pope Celestine III in 1193 and by King Cnut VI three years later. Immediately after Pope Celestine confirmed King Cnut's grant. *DD*, 1.3, nos 191, 215, 219.

62 *DD*, 1.6, no. 118.

announced to the loyal men on Zealand that he had earlier granted the church in Ringsted half the arable land, a meadow, and a mill of the town and that he now gave a wood to the church, all the *censum midsommergæld*, and the harvest work called *dagsværk* which was imposed on the townsmen.⁶³ Apart from the above-mentioned obligations to transport the king and his men, this is the earliest documentation of forced labour imposed by a Danish king.

Before *King Valdemar's Survey* was worked out about 1230, we have documentation of royal town taxes from Lund, Helsingborg, Lomma, Schleswig, Næstved, Odense, Ribe, and Ringsted. But that is presumably just the tip of the iceberg, because this information comes to light only in charters drawn up when the kings gave ecclesiastical institutions part of the urban taxes. When the first charter mentioning tax on land property in Lund, Lomma, and Helsingborg was made in 1085, mints were established in twelve Danish towns, and in the following years the number of towns increased. From the late twelfth century, what must be termed a revolution was taking place in the urbanization of Denmark.⁶⁴ We must therefore assume that the kings before 1230 controlled and collected taxes in more cities than the eight we have information about from the charters. An indication of that can be found in King Valdemar II's charter from the early thirteenth century, exempting the townsmen of Ribe from all market dues and customs of their trade all over the realm.⁶⁵ In a later charter from 1242, King Eric IV Plovpenning excused the citizens of Ribe from all customs (*theloneo*) duties and all other services and payments wherever they came within the borders of his kingdom. The charter specifies these customs duties, services, and payments as *forban* and *torvegæld* (*torgiald*). The latter was a duty paid by visitors for having permission to carry on trade in the town market.⁶⁶ It is, however, difficult to say how widespread royal market dues and customs actually were in Denmark, since we have little information about it, not even in the national survey that King Valdemar II had drawn up around 1230, in which only the entry of Ribe customs is mentioned. Nevertheless, judging from *King Valdemar's Survey* it is plausible to conclude that most Danish towns were liable for royal taxes in the first quarter of the thirteenth century or maybe earlier. Only in the so-called borough list of *King Valdemar's Survey* are the taxes from nineteen towns on Zealand, Falster, and Lolland listed. In addition, in the principal part of the surveys there are entries of the royal revenues

63 DD, 1.2, no. 101.

64 Hybel and Poulsen, *The Danish Resources*, pp. 234–235.

65 DD, 1.4, no. 54.

66 DD, 1.7, no. 97.

from the towns of Aalborg, Viborg, Horsens Aarhus, Ribe, Schleswig in Jutland, Odense on Funen, and Lund in Scania.⁶⁷

In the list of the market towns on Zealand, Lolland, and Falster it is not specified what kind of dues the towns paid to the king, only the total revenue of each town. In this respect, the principal part of the survey is more informative. Besides *midsommergæld*, *forban*, *torvegæld*, commuted military, and other services, the king had substantial incomes from the mints (*de moneta*) nine hundred silver marks and 1200 silver marks and eight gold marks respectively in the eastern Danish towns Roskilde and Lund.⁶⁸ The royal revenues of the town of Viborg were 120 marks for military services (*expedicione*) and eighty marks for the mint (*pro moneta*). Aarhus paid twelve marks in return for military service besides bailiff duties. The revenues of Ribe are the most comprehensive found in the survey. Ribe paid two hundred marks in bailiff duties, customs, and safe conduct, 120 marks in commuted military services, and 150 marks for the mint (*pro moneta*). In addition, the customs on horses gave the king 350 marks “or more” and customs on salt forty marks.⁶⁹ The mint master paid a hundred marks. The principal royal revenues from the towns around 1230 appear to have been commuted military services and incomes from the mints subsidiary, a mint tax. Judging by the terminology, *pro moneta* in contrast to the wording *de moneta* found in the entries of the eastern Danish towns Roskilde and Lund, the latter tax appears to have been in force in Jutland at the time of compilation of the principal part of the survey in 1230. We will come back to this issue later. Add to these taxes the tax based on land (*midsommergæld*, *arnegæld*), duties paid by urban craftsmen,⁷⁰ work duties owed to the king as town lord, and market dues, and customs.

Customs Duties

Sometime before he was assassinated in 1131, Duke Cnut Lavard reportedly introduced customs duties in Schleswig and collected these duties when the

67 *KVJ*, pp. 4, 5, 8, 9, 14, 23 83.

68 *KVJ*, pp. 20, 23.

69 The customs on horses in Ribe is documented by the confirmation of the rights of the bishop of Ribe issued by Archbishop Uffe of Lund mentioning that the customs on horses was not included in these rights, even though it is not mentioned in the royal charters. *DD*, 1.6, no. 118.

70 Duties imposed on crafts are for the first time recorded in the town law of Schleswig c. 1200. *DKG*, vol. 1, pp. 9–10.

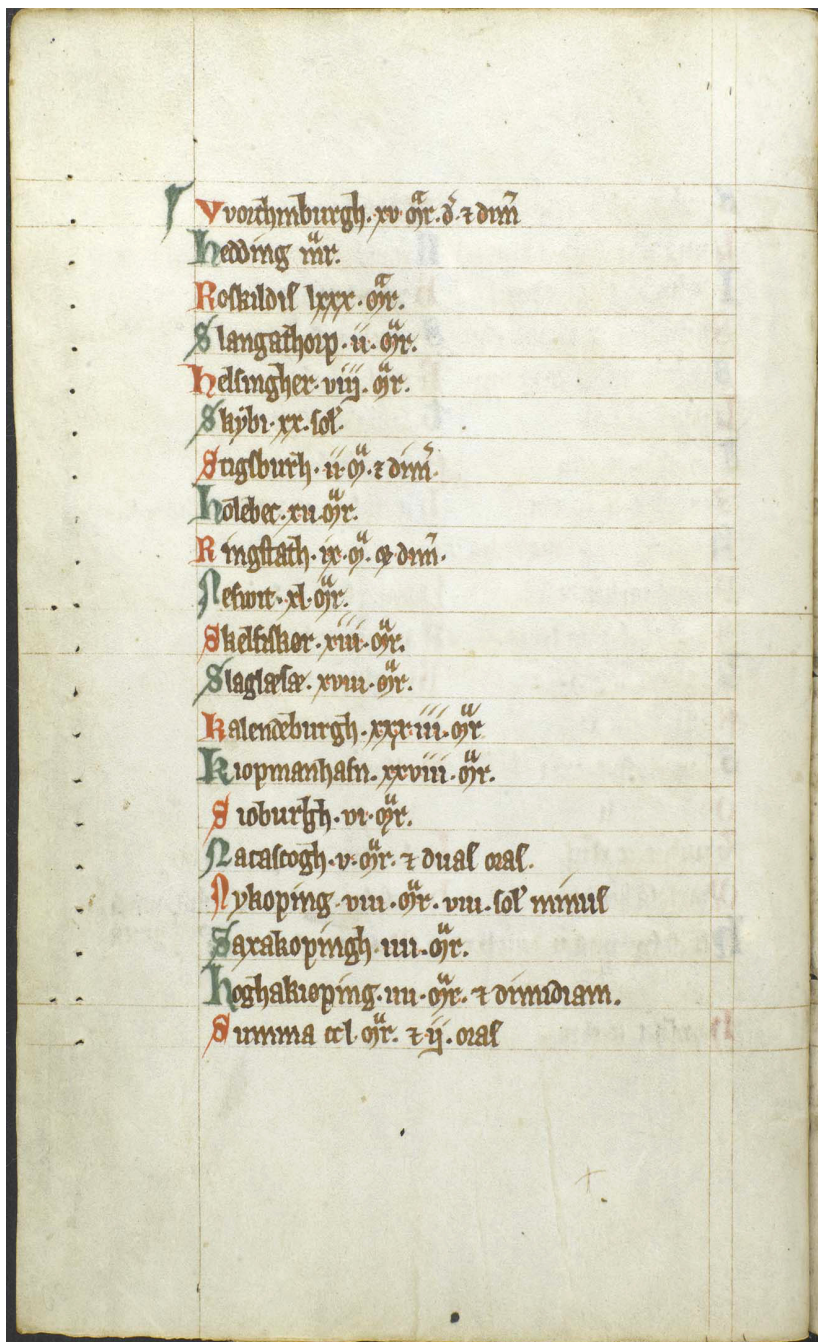


FIGURE 9 The list of royal boroughs in King Valdemar's Survey
 THE DANISH NATIONAL ARCHIVES, COPENHAGEN (C 8)

merchant vessels departed,⁷¹ but we have no documentation of this enterprise. Above we discussed the privilege given to the townsmen of Ribe of being exempt from customs throughout the entire realm. Another nationwide exemption from customs was granted by Valdemar II in 1230 to the brothers from Clairvaux buying hides and wax in his realm.⁷² In the following years charters granting citizens of Danish towns exemptions from domestic customs dues were frequently issued.⁷³ Sometime between 1202 and 1223 Archbishop Anders Sunesen established two new prebends at the cathedral in Lund on the basis of offerings, alms, and booth duties from the market at Skanør.⁷⁴ In 1255, King Christopher I took the Cistercians from Doberan in what is nowadays known as Mecklenburg-Vorpommern under his protection and exempted them from customs duties in Denmark, except in the Scanian markets.⁷⁵ It was common that general customs exemptions did not apply to the Scanian markets.

These markets were a result of the growing herring fishing along the coast of Scania from the twelfth century. No later than the 1170s, herring fishing was concentrated on the southern tip of Scania, where the king's protected settlements Skanør and Falsterbo were international markets, based on the catching and selling of fish, which took place each year in August and September. The markets are recorded by the chronicler Arnold of Lübeck and Saxo Grammaticus in the early thirteenth century and later in the Icelandic sagas.⁷⁶ King Valdemar II issued a Law of Skanør controlling the fishing and trade and prescribed the customs dues paid by Norwegians exporting herring. By 1220, German merchants had obtained privileges there and by the mid-thirteenth century there were royal castles at both Skanør and Falsterbo. During the second part of the century it is recorded that merchants and traders from many German and Dutch towns were allocated their own plots (*fed* in Danish, *Vitten* in German), where they were granted their own jurisdiction and permitted to pickle the herring and conduct their trade.

71 *KLNM*, vol. 6, col. 120.

72 Hides were one of the articles in the Danish export of mainly animal products to the European markets in the Middle Ages. Nils Hybel, "Dansk eksport på det nordeuropæiske marked c. 1200–1350", in *Danmark og Europa i Senmiddelalderen*, eds Per Ingesman and Bjørn Poulsen (Aarhus, 2000), pp. 183–197.

73 See for example *DD*, 2.1, nos 1, 7, 28, 41, 68.

74 *DD*, 1.4, no. 69.

75 *DD*, 2.1, no. 161.

76 *Arnoldi Chronica Slavorum*, ed. Georg Heinrich Pertz (Hannover, 1868), pp. 77, 234; Carsten Jahnke, *Das Silber des Meeres* (Cologne, 2000), pp. 64 ff.

Danish towns were also given privileges in the markets. Thus, King Abel (1250–1252) granted the citizens of Schleswig the same “liberties, favours, and advantages as citizens of other market towns, towns, and villages in the realm of Denmark at the market in Skanør”. The same privileges were granted by the king to the citizens of Rostock. It appears from this charter that the Lübeck merchants already had these privileges and the citizens of Wismar were granted them soon after.⁷⁷ We have no information of the specific customs dues collected from the tradesmen on the markets except the customs laid on the so-called *Ummelandsfahrer*. These were merchants calling at Skanør en route from the Baltic to the North Sea and vice versa around the northern tip of Jutland. King Abel made an agreement with these merchants. Westward-bound ships were charged thirty-two *skilling* good sterling mint, while eastbound merchants had to pay two Scanian *ørtug* in customs for each *laest*.⁷⁸ Merchants heading for Norway who did not carry herring, but linen and salt or their own provisions, were free of customs duty.⁷⁹ In the middle of the thirteenth century the primary basis for the duty was apparently exports of salted herring. The export tax was, however, not equal for all. In King Valdemar II’s day (1202–1241) Danes paid one *ørtug*, Scandinavians two, Hanseatics two to three, and other alien merchants four *ørtug* per *laest*.⁸⁰

During the twelfth and thirteenth centuries, it became increasingly common for the kings to claim rights to navigable rivers. The town law of Schleswig from 1200 states that the river belonged to the king.⁸¹ As stated above, King Sven Grathe gave half his income from the town of Ribe to its bishop, except the right to shipwrecks. As town lord of Ribe, King Sven Grathe of course held that he was assigned to have what was washed up on the beach within the premises of the town. Half a century earlier, King Nils claimed his right to wrecks in a charter for the church of St Cnut in Odense.⁸² This church was intimately related to the cult of King Nils’s brother, St Cnut, and the royal dynasty; the property of the church was therefore presumably donated by

77 *DD*, 2.1, nos 28, 38, 47.

78 Customs tariff rates per *laest* are seen later in the town laws of Flensburg from 1284 and Haderslev from 1992. Poul Enemark, “Told”, *KLNM*, vol. 18 (Copenhagen, 1974), col. 433.

79 *DD*, 2.1, no. 50.

80 Enemark, “Handelsafgifter”, col. 120.

81 *DGK*, 1.14.68. See also Poul Holm, “Kampen om det som ingen ejer. Om rettighederne til den øde jord indtil 1241, som baggrund for den tidlige middelalders bondeuro”, in *Til Kamp for Friheden. Sociale oprør i nordiske middelalder*, eds Anders Bøgh et al. (Aalborg, 1988), p. 94; Ole Fenger, “Kongeleve og krongods”, *HT* 100 (2000), 257–284.

82 *DD*, 1.2, nos 32, 98; *DD*, 1.3, 191.

members of the royal dynasty. Unfortunately, the donation charters are lost, however, the right to shipwrecks was probably related to premises formerly owned by the royal family. Consequently, these charters do not indicate that the right to shipwrecks was a nationwide royal prerogative. Still, according to the *Knyttlinga Saga* written around 1250, King Cnut the Holy even claimed to own the Sound (*Øresund*) and the right to fish herring in these waters.⁸³ It probably corresponded well with the king's view of the matter when this Icelandic saga was written, but they hardly had the power to enforce this claim—definitely not in the 1080s.

From Skanør and Falsterbo the catching and selling of fish spread to other places in the Sound region, such as Dragør,⁸⁴ Malmø, Simrishamn, Trelleborg, Ystad, and Landskrona. In an international enterprise, involving primarily Danish and German fishermen and merchants, herring was caught, salted, and exported to large parts of Europe, first and foremost, however, to northern Germany.⁸⁵ Copenhagen (*Havn*) was originally also a small fishing hamlet on the Sound. In the 1160s a castle was built in Copenhagen. At this point it was still called Havn and the castle was handed over to Bishop Absalon of Roskilde by his associate, King Valdemar I. Together with the castle, Absalon received “the village Havn itself” and a number of villages surrounding the castle.⁸⁶ After Absalon had become archbishop of Lund, he bequeathed Havn to the church in Roskilde and in 1254 the bishop at that time, Jacob Erlandsen, with the consent and advice of citizens, gave a town law. In section three of this law it is stated: “Those who use nets to catch herring, must as tithe give the bishop one *ol* for winter fishing”. We have no similar information about royal duties on the herring fishery in the Scanian markets before 1300. The charters granting citizens of German towns various privileges at the fairs do not mention any dues to the king in return. The information on the tithe on winter fishing is the only duty on fishing mentioned in the town law of Copenhagen and on fishing in general in Danish laws before 1300. The principal information about royal revenues from

83 *Knyttlinga Saga*, p. 48.

84 A herring market at Dragør is documented around 1400. H.J. Hansen, “Sct. Gertruds Kapel i Kjøge”, *Fra Arkiv og Museum* 3 (1905–1908), 138–145; *Repertorium diplomaticum regni Danici mediævalis. Fortegnelse over Danmarks Breve fra Middelalderen med Udtog af de hidtil udtrykte*, 1st ser., eds Kristian Erslev et al. (Copenhagen, 1894–1912).

85 Jahnke, *Das Silber des Meeres*; Poul Holm, “Catches and Manpower in the Danish Fisheries, c. 1200–1995”, in *The North Atlantic Fisheries, 1100–1976. National Perspectives on a Common Resource*, eds Poul Holm, David Starkey and Jón Thor (Esbjerg, 1996), pp. 177–206.

86 *DD*, 1.3, no. 137.

the Scanian fairs is the export duties on herring previously mentioned, i.e. King Abel's agreement with the *Ummelandsfahrer*.

Earlier we also found custom duties on horses exported from Ribe. Danish horses had been renowned in Europe since the twelfth century, and horses as an export commodity appeared for the first time in the sources in 1226. Danish horses were exported to Germany, France, Flanders, and England, primarily from Ribe but also from a number of other Danish towns.⁸⁷ It is no surprise that the tariff on export of horses can be found among tariffs on other export commodities in a charter from the end of the thirteenth century, nor that herring appear in the charter. In 1293, King Eric VI Menved took all guests visiting Ribe under his protection, confirmed their liberties, put maximum tariffs for the export of certain goods, and allowed free export except in an emergency. The fact that it was a maximum tariff the king saw as a special grace. That is remarkable. The charter listed the following export tariffs: two *øre* per *laest* of herring, one *øre* per horse, nine *penning* per pound of bacon, tallow, or fat, one *ørtug* per barrel of butter, and three *øre* for one mark of grain of any kind.

This charter not only enlightens us about what kind of goods were exported and provides a differentiated export customs tariff, it also indicates a reformation of the royal collection of town taxes. The general tax on aliens' permission to carry out trade (*torvekøb*) and export (*forban*) from the town is commuted in this charter to a general grant of safe conduct for all visitors in return for specific maximum export tariffs on the most common commodities bought in and exported from Ribe. The first Danish town law from Schleswig showed that around 1200 customs duties were levied on persons crossing the town border.⁸⁸ It confirmed that safe conduct and permission to trade for aliens were in the twelfth and first half of the thirteenth centuries the common way of levying customs. Only from about 1230 were there customs on commodities. From the second half of the century, the Danish town laws and royal charters began to include customs tariffs, first on horses and then on other commodities imported and exported to and from the towns. This change from duties levied on individuals to customs duties on commodities seems to have implied a general grant of safe conduct and permission to trade comparable to the liberties

87 Nils Hybel, "Dansk eksport på det nordeuropæiske marked c. 1200–1350", eds Per Ingesman and Bjørn Poulsen, *Danmark og Europa i Senmiddelalderen* (Aarhus, 2000), pp. 183–197.

88 Bjørn Poulsen, "The Widening of Import Trade and Consumption around 1200 A.D.: A Danish Perspective", in *Cogs, Cargoes, and Commerce. Maritime Bulk Trade in Northern Europe 1150–1400*, ed. Lars Berggren, Nils Hybel and Annette Landen (Toronto, 2002), p. 32.

the English king Edward I granted to foreign merchants in 1303.⁸⁹ Besides introducing *ad valorem* customs duty in northern Europe it doubled the tariff rate on wool, sheep fleeces, and hides, which were established in the old customs from 1275.⁹⁰ An earlier customs tariff on various commercial goods exported from Greifswald exists.⁹¹ Thus, the Danish customs system around 1300 generally corresponded quite well to what can be found in the neighbouring countries, Germany and England, except the *poundage*, introduced in England in 1303 and later in Lübeck in the 1360s.

Urban and Commercial Duties

The first town and market duties imposed by town lords we find documented in Danish written sources were royal taxes on plots of land in towns from 1085. It was probably a similar tax on urban real estate that in the twelfth and thirteenth centuries underlies the concepts *mitsommergæld* and *arnegæld*. From the middle of the twelfth century, income from the town markets (*torvegæld*) appeared together with duties for safe conduct (*forban*), military (*expedition*), transport (*redskud*, *ægt*) and labour service (*dagswerck*). Customs duties on exported commodities are indicated from the first half of the thirteenth century. In the second half of the century customs duties on goods imported to and exported from the towns can be found in the town laws, and in a charter from the last decade of the century duties on safe conduct and permission to trade are commuted to a general promise of protection and free trade, in return for maximum customs tariffs on the most common exported commodities.

While we have a relatively clear picture of the development of the different types of income that town lords had from towns and markets, it is not possible to estimate the revenue quantitatively. There is, however, no doubt that the incomes from towns and markets rose markedly in step with the urban revolution from the late twelfth century. The distribution of the revenues from markets and towns among the different town lords cannot be made up exactly, but the king certainly got the lion's share. Towns or parts of the incomes from

89 *Carta Mercatoria, English Historical Documents*, vol. 3, ed. Harry Rothwell (London, 1975), pp. 517–518.

90 Nils Hybel, "Sildehandel og sildefiskeri i den nordvestlige Nordsø i begyndelsen af det 14. århundrede", in *Søfart Politik Identitet tilegnet Ole Feldbæk*, eds Hans Jeppesen et al. (Helsingør, 1996), pp. 27–31; N.S.B. Gras, *The Early English Customs System* (Cambridge, 1918).

91 *Hansisches Urkundenbuch*, vol. 1, ed. Konstantin Höhlbaum (Halle, 1876), no. 746.

the towns donated to bishops and monastic institutions by the kings underlines the fact, also witnessed by *King Valdemar's Survey* and the town laws, that in the thirteenth century by far the majority of the most important towns and markets were monarchical demesne or controlled by royal vassals.⁹²

Rural Taxes

There are hardly any sources, if any at all, to indicate rural taxes before the second half of the twelfth century. Earlier the kings were hardly able to collect duties and levies outside their own domains. In the late 1130s, the *Chronicon Roskildense* noted that King Cnut the Holy (1080–1086) tried to impose a poll tax (*nefgjald*) on the population, and claims that it was this measure that led to a rebellion and the subsequent assassination of the king.⁹³ There is no evidence whether it was an attempt to enact a law which enforced a nationwide tax or a local tax, perhaps a local town tax,⁹⁴ we do not know, but the attempt failed and reportedly ended as a disaster for the king. Previously, in 1085, King Cnut donated land to the church under construction in Lund. This charter transferred all royal rights related to said land to the dean except for three rights: the duties by which outlaws could buy their peace, the fines for neglecting military service, and the obligation to provide horses for the king's transport.⁹⁵ Since the charter referred only to duties related to the land, the king gave the church, i.e. imposed on those who lived on this land, duties that must be categorized as land rent. The charter does not indicate royal tax on land in general. Neither can the preserved charters issued by the kings Nils, Sven Grathe, and Valdemar I in the first decade of his reign. Only three of these charters might give reason to speculate that the kings Nils and Eric Lam in the first half of the twelfth century levied a general land tax. In the first of these charters, King Nils donated to St Cnut's church in Odense all the royal rights for the "estates, villages, and lands belonging to them [the churchmen in Odense] that now or in the future are given them" with the exception of shipwrecks, fines for neglecting military service, and outlaws' duties for buying their peace. The church in Odense was part of the story and the creation of the legend of King Nils's murdered brother and predecessor Cnut the Holy. The royal family

92 The first town law of Flensborg from 1284 was, for example, granted by Duke Waldemar of Schleswig (Woldemar of Jutland). *DGK*, 1.1.

93 *SM*, vol. 1, p. 24, "tributum, quad nostrates nefgiald nocant".

94 Michael H. Gelting, *Roskildekrøniken* (Højbjerg, 1979), p. 46.

95 *DD*, 1.2, no. 21.

must therefore, as previously argued, be considered to have been the founder of the landed estates of St's Cnut church, and probably also considered the possible future donor. At least the charter does not point out who else besides the royal family would donate land to the church in the future.⁹⁶ King Eric Emune's donation of 1135 to establish a monastery at the church in Ringsted in memory of his brother Cnut Lavard, who was buried in the church, likewise gave all royal rights of the land already transferred and that would be donated to the church in the future. In this charter, it was specified who was expected to donate land to the church in the future. The charter namely stated "that we [the king] will also, if we may live, bestow more in the future to improve the church". It did not happen, presumably because Eric was killed by a subject in 1137, only two years after the charter was issued.⁹⁷ The monks also had a part in the town tax called *midsommergæld*. This particular tax was also levied by King Eric Lam on the townsmen of Næstved. The reason why this particular document might suggest a claim of royal tax is the following phrase in the charter: "In return for military service [*pro expeditione*] levied on men in the town and the monks' other peasants [*ceteros colonos*], I [the king] have decided that they shall serve one day each year bringing me or my men to Falster or Lolland or any other of the surrounding islands if necessary".⁹⁸ A distinction is made between the men of the town and the peasants. These two categories seem to be ranked alongside one another by the word *ceteros*. Even if we accept that the charter in this particular case actually made a distinction between men living in the town and on the country, it does not provide us with any insight about who donated the land these peasants lived on to the monks. The foundation of the monastery in Næstved was based on a donation of land by perhaps the most important family on Zealand and the bishop of Roskilde, five years before King Eric Lam issued his charter. Some of the land that the Bodilsen family and Bishop Eskil transferred to the monks was situated as far away from Næstved as Bukkerup, some fifty kilometres away, Keldby on the isle of Møn, about sixty kilometres from Næstved, and Gedesby on Falster about eighty kilometres away from Næstved.⁹⁹ It is hardly realistic to imagine that peasants (*coloni*) from these locations were supposed to have military service commuted to an obligation to transport the king or his men to Falster and Lolland once a year. Also, the townsmen of Næstved were not *coloni* of the monks, but of the king. The phrase *ceteros colonos* is to be taken as a lapse in the charter rather

96 Ibid. no. 32.

97 Ibid. no. 65.

98 Ibid. no. 78.

99 Ibid. no. 65.

than as an indication of royal taxation of all the monk's peasants, let alone all peasants in the realm.

Up to 1170, the royal charters for ecclesiastical institutions can only be read as the Crown's transfer of the king's duties, services, and rights over the land that had been donated by the Crown, or may be handed over by the king in the future, to the institutions. They reveal nothing but the king's claims of duties and services from those who lived on Crown lands, and that the king sometimes upheld some of these claims after he had given the land away as a gift to religious institutions. Like any other European landowner, the king, of course, demanded duties and services of those who rented land from him. An example of how one of the country's great men exacted land rent, duties, and services on an equal footing with the king is Buris Henriksen, who called himself "duke" (*hertug*). In 1163, he donated the farm "Tvis" together with Skjern, Felding, Hjern, and Kvistrup *birch* with arables, meadows, pastures, fish ponds, and fishing streams in order to establish a Cistercian monastery. He also took on "the defence and protection" of the monastery and the brothers "without claiming any services or remuneration". Moreover, he exempted the donated land "from any taxation [*beschatning*], of whatever kind".¹⁰⁰ *Beschatning* (taxation) in this document shall obviously be read as rent levied on the land.

In the deed of King Valdemar I to the monastery of Esrum regarding "Stenholt", it appears that even in the first decade of the reign of Valdemar I the Crown did not claim the right to, let alone was able to, impose a general tax and military duties on all landowners in the realm. The deed states that "when the aforementioned brothers bought the aforesaid land of peasants at six marks they did not know that the land was subject to the king's claims of rights and incomes from it".¹⁰¹ In other words, not all land in the realm was subject to royal taxation and rights. How could the pious brothers otherwise argue with conviction that they did not know the land they bought was liable to duties to the king? The fact that royal rights, i.e. the king's right to services and payments, only fell on Crown lands is also documented by two charters affirming the transfer of the villages Esrom and Villingerød to the Cistercians at Esrom, issued by King Sven Grathe between 1151 and 1157 and King Valdemar I around 1160.¹⁰² Consequently general royal taxation of landed property did not exist in the beginning of Valdemar I's reign (1157–1182). This situation seemingly changed, however, during his reign.

100 Ibid. no. 152.

101 Ibid. no. 130.

102 Ibid. nos 107, 129.

This is at least suggested by a royal charter from 1170. The charter confirms the king's transfer of land to the brothers of the church in Ringsted, as well as the privilege "that anyone who subsequently hands over to the church his entire share of inheritance shall be free and immune from all obligations as regards to royal rights and from all bailiff requirements".¹⁰³ This information shows that the king at least claimed that all landowners were subject to royal rights, i.e. taxes, services, and jurisdiction; it is perhaps the expression of a breakthrough of common royal taxation or even the fact that royal taxation was already in force. The privilege gave landowners the opportunity to avoid tax and services to the king by giving their land to the monastery of Ringsted. One must assume that the idea was that the former landowners now leased the land from the church on payment of a tenancy agreement, with a rent amounting to a sum less than the total of the royal rights, or that the donor entered the fraternity.

The impression that in the last decades of the twelfth century the Crown was able to be in a position to introduce the requirement of military service, taxes, and other benefits from men who lived on land owned by others than the Crown is reinforced by a charter from 1180. The charter exempts Odense's monastery of St Cnut from royal duties and obligations of the possessions they have "acquired and held in the realm of Denmark through the generosity of kings, bishops and other believers". These taxes and duties to the king are specified as "hospitality [*gæsteri*], haulage [*ægt*], military service [*leding*], or any other obligation arising from the royal rights and fines, both forty and three marks".¹⁰⁴ Thus, the king generally required common hospitality and haulage in connection with his incessant travels around the country. He also claimed certain fines and conscription. King Cnut VI's ratification of his predecessor Cnut the Holy's donation to the church in Lund explicitly demonstrates the development from royal land rent to royal taxes. King Cnut the Holy's charter from 1085 referred only to duties related to the land the king donated to the church. A hundred years later in 1186, King Cnut VI acknowledged this donation in the first part of the ratification, and in the last part of it he expanded the privilege to include royal services and incomes of the land the church might acquire from "... former kings or bishops or other good and loyal men in return for the blessed memorial of themselves or their kin ... only with the exceptions formerly mentioned".¹⁰⁵ The privilege is extended from covering only services

103 *DD*, 1.3, no. 15.

104 *Ibid.* no. 89.

105 "Iuxta hunc quoque priuilegiorum tenorem que uel reges predecessores nostri uel pontifices seu alii boni et fidele uiri pro sui suorumque felici memoria condiderunt et aliquas ter-

and incomes of the land the king donated in 1085 to also include, now a hundred years later in 1186, royal taxation of land others had donated to the church in Lund.

These charters, waivers of claims for royal duties, excise duties, and services from people who inhabited the land owned by others than the Crown, are in striking harmony with a reform of the military system on Zealand in 1170 introducing general conscription—see the chapter on war and peace. It also fits nicely into the picture of the king's claim to the rights over desolate land, forests, and fishing waters in the late 1100s, which became legally and ideologically defined in a way that made it possible to transfer these rights as privileges. In jurisprudence, a distinction was made between the king's landownership, *dominium directum* and peasant occupancy, *dominium utile*¹⁰⁶—see the chapter on landownership. Later, in the Laws of Jutland, the distinction between property and usufruct is reflected in the provision that in common woods (*almindingskov*) “the king owns the land and the peasants the wood”.¹⁰⁷ All in all, this evidence shows that from around 1170 King Valdemar I began to demand “hospitality” (*gæsteri*), haulage, and military service from landowners in general and not only from his own tenants. The contemporary King Valdemar's Law of Zealand lay down that the levies known as *stud* (aid),¹⁰⁸ *inne* (various services),¹⁰⁹ and *leding* were assessed by the unit in which the village land was divided, i.e. *mansus*.¹¹⁰

It is hardly plausible that the Crown was able to put into practice these requirements on all the landowners of the realm at such an early stage, but later, during King Valdemar II's reign (1202–1241), the Crown was undoubtedly strong enough to assert such claims. In *King Valdemar's Survey* (c. 1230) “hospitality” for two nights was standardized and calculated at a given quantity of grain, malt, meat, butter, cheese, poultry, fish, honey, etc. The survey also lists the amounts to be paid to the king's officials and the kitchen staff and it was stated

ras ad predictum locum dederunt tam has quam cetera fideliter illi loco oblate in nostrum suscipimus protectionem ut sicut iam dictum est omnis regia iusticia que ex causis diuer-
sis prouenire solet illis tantum que dicta sunt exceptis preposito et canonicis attineat.”
Ibid. no. 134.

106 Bo Fritzboøger, “Esrum klostres landskaber”, *Bogen om Esrum Kloster*, eds Søren Frandsen et al. (Holstebro, 1997), pp. 79–97.

107 *The Law of Jutland* 1.53.

108 Otto Kalkar, *Ordbog til det ældre danske sprog*, vol. 4, p. 176; *KLNM*, vol. 15, col. 414.

109 Ibid. vol. 7, cols 420–423.

110 Anette Hoff, *Lov og Landskab. Landskabslovenes bidrag til forståelsen af landbrugs- og landskabsudviklingen i Danmark ca. 900–1250* (Aarhus, 1997), pp. 103–104.

among other things that one hundred plates and four hundred dishes were to be provided.¹¹¹ This standardization of “hospitality” reinforces the impression that, in Valdemar II’s time at the latest, this contribution to the Crown had become a general requirement, not only imposed on those who lived on the king’s land. There is now also reason to give credence to the idea that hospitality was actually charged.

King Valdemar’s Survey leaves the impression that, when these manuscripts were made, the Crown had become capable of imposing and collecting common land taxes on landowners in Denmark—at least in parts of the country. Among the manuscripts found in *King Valdemar’s Survey* are the so-called list of ploughs (*plovtaleslisten*) and the list of royal boroughs (*købstadslisten*). They are written in the same part of the transcript and cover the same geographical area: Zealand, Lolland, Falster, and Møn. These lists were drawn up c. 1240 by the royal administration.¹¹² The list of royal boroughs enumerates the king’s income from each town in marks, while the list of ploughs contains a measurement of each district (*herred*) in ploughs; probably as a basis for taxation. The plough as a unit for land and taxation has a long history. It goes back at least to the third century A.D., when the Roman emperor Diocletian (245–316) reformed the Roman tax system and introduced the valuation unit *iugum* as an abstract measure of productivity; i.e. the yielding capacity of the soil.¹¹³ In the English Domesday Book the plough—*carucata*—was a measurement of the area of cultivated land and the hide a unit of taxation. In regions of England where the Danish Vikings had settled, the tax unit in contrast was called *carucatae at geldum*.¹¹⁴ In the late twelfth century, the plough became a taxation unit all over England. This occurred as a means of collecting the ransom for King Richard the Lionheart I after his capture in Germany in 1193. From 1198, the English plough tax was levied based on a mapping out of the country in ploughs each measuring one hundred acres.¹¹⁵

Against this background, it is tempting to attribute the introduction of the Danish plough tax to the capture of King Valdemar II and his son Valdemar by Valdemar II’s vassal Henry of Schwerin in 1223, and the subsequent collection and payment of the huge ransom for their release in 1225 and 1226 respectively.

111 KVJ, pp. 32–33.

112 Ibid. pp. 82–83; Ulsig and Sørensen, “Studier i Kong Valdemars Jordebog”, pp. 1–26; Venge, *Danmarks skatter i middelalderen indtil 1340*, pp. 195–203.

113 John Percival, “The Precursors of Domesday: Roman and Carolingian Land Registers”, in *Domesday Book, A Reassessment*, ed. Peter Sawyer (London, 1985), pp. 5–9.

114 *Domesday Book*, vol. 19, ed. John Morris (London, 1975).

115 S.K. Mitchell, *Taxation in Medieval England* (London, 1951), p. 112.

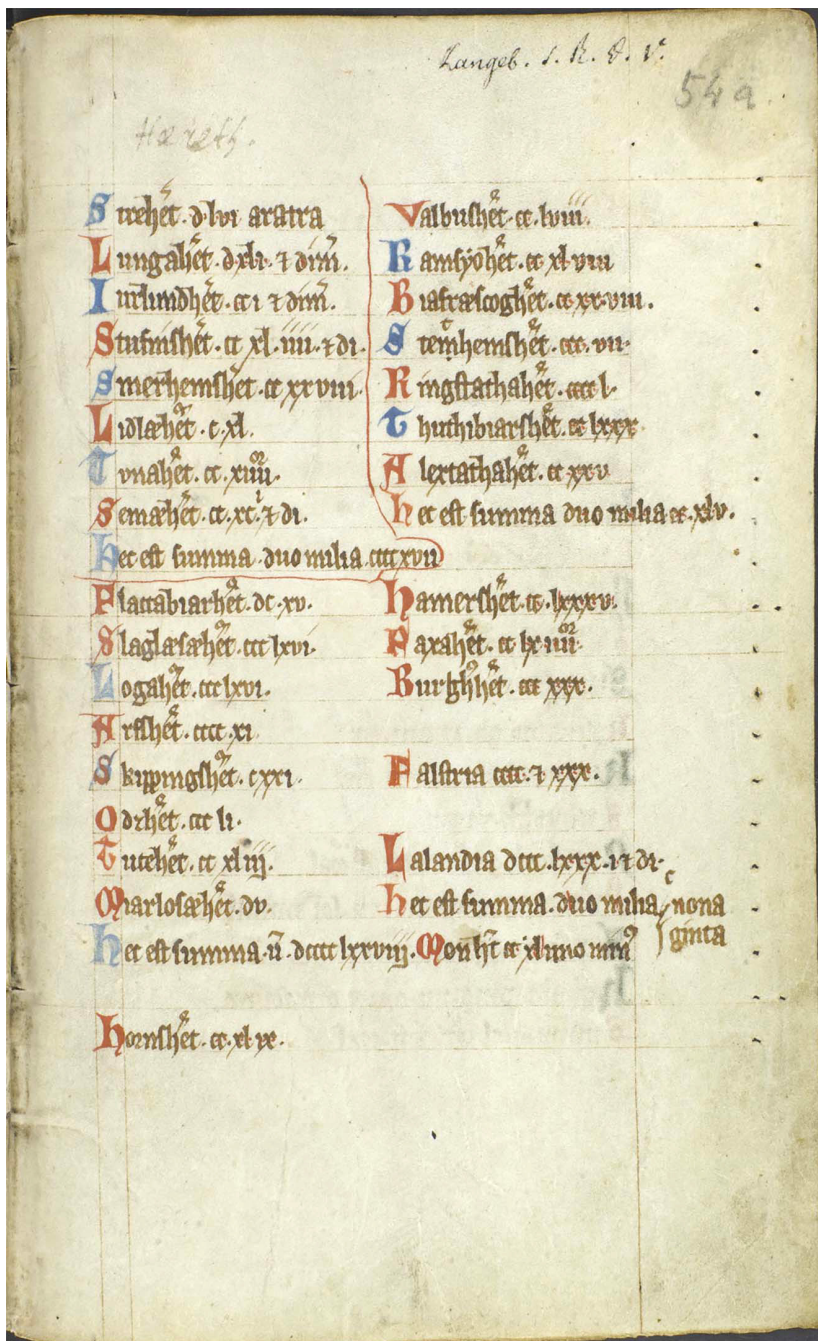


FIGURE 10 The list of ploughs in King Valdemar's Survey

THE DANISH NATIONAL ARCHIVES, COPENHAGEN (C 8)

Maybe the plough tax was introduced to overcome a financial crisis following the payment of the ransom of 45,000 marks of silver, all the queen's robes and pieces of jewelry, except for her crown, as well as a thousand horses, and suits of clothing for one hundred knights. The plough tax is, however, not directly mentioned in the sources before the early 1230s, when it seems to have been introduced in Jutland. Over the next decade it spread to Zealand and Funen.¹¹⁶ In Scania, the plough tax was forced on the landowners after a rebellion in 1249 by King Eric who was given the telling surname: "Ploughpenny" (*Plovpenning*).¹¹⁷ In the following period the plough tax was levied as an important recurrent tax until it was abolished in King Christopher II's charter in 1320, except in Schleswig where plough tax was collected until the early sixteenth century. Christopher II's charter refers to the plough tax as one of the new taxes being "collected and invented after the death of King Valdemar", i.e. Valdemar II who died in 1241.¹¹⁸ This statement is blatantly contrary to the royal charter from 1234, when Valdemar II handed over to the bishop of Ribe the plough tax of three districts (*sysler*) and two small towns in return for half the mint, which was owned by the bishop.¹¹⁹

It cannot be established with absolute certainty when and for what reasons the plough tax was introduced in Denmark, but it has long been a prevailing view among historians that the plough tax (*census aratrorum*) was introduced to compensate for the lack of revenue the Crown had otherwise suffered when meeting the popular demands for currency reforms to cease devaluing the coinage.¹²⁰ For merchants, and even more so for the rest of the population, the coin renewals and the constant debasement of money must have been cumbersome, not least because debasements of the coinage caused inflation. The official justification for the plough tax might well have been that the king introduced a stable monetary system, *stathigh mynt*, in return, as is stated in a coronation charter from 1251.¹²¹ This new tax, however, did not lead to a

116 Sture Bolin, "Skattepenning och plogpenning i medeltidens Danmark", in *Nordiska historikermötet i Göteborg*, ed. Curt Weibull et al. (Lund, 1952), pp. 47–65; Kirsten Bendixen, "Mønternes funktion i Danmark i perioden c. 1075–1300", *Fortid og Nutid* 27 (1977–1978); Keld Grønder-Hansen, *Kongemagtens krise. Det danske møntvæsen 1241–1340* (Copenhagen, 2000), pp. 64–67.

117 *DMA*, p. 64.

118 *DD*, 2.8, no. 176.

119 *DD*, 1.6, no. 182.

120 Bolin, "Skattepenning och plogpenning", pp. 47–67; Ulsig and Sørensen, "Studier i Kong Valdemars Jordebog", pp. 1–26; Hybel and Poulsen, *The Danish Resources*, pp. 310–311.

121 *DDR*, 1, p. 47, § 5.

permanent end to the burdensome *renovatio monetae* or debasements of the coinage. We have previously seen that debasements continued undisturbed by the collection of plough tax throughout the thirteenth century, and in 1257 the king again began reissuing the coinage (*renovatio monetae*).¹²²

It has been estimated from *King Valdemar's Survey* that the king received about eight thousand silver marks from the commuted aid (*stud*), while the revenue from commuted military services (*leding*) was only some 3,500 silver marks.¹²³ The level of the *leding* tax in King Valdemar II's days is disputable. Because *King Valdemar's Survey* only lists the *leding* imposed on the towns, it has previously been claimed that this tax was the king's greatest resource, and that it amounted to 13,200 marks of silver per year and thus constituted at least half the royal revenue.¹²⁴ *Leding* appeared as a systematized and common tax in the Law of Jutland from 1241, but any estimate of the total annual level of the tax is tentative and disputable. Still, the information we have on the *leding* in *King Valdemar's Survey* is the best we have for quantitative evaluation of the royal taxes in the thirteenth century and beyond. The annual revenue from *stud* and *inne* is impossible to estimate, even though *stud*, *leding*, and *inne* have traditionally been seen as the first ordinary, i.e. systematic, annual taxes imposed on the Danish population.¹²⁵ However, it can neither be documented that annual taxes were collected before 1300, nor immediately after. The plough tax was certainly not an annual tax. In the coronation charter of 1251 the tariff for this tax was one *oram* (i.e. thirty *penninge*) per plough, but it seems that originally one mark (i.e. 240 *penninge*) was paid per plough.¹²⁶

Tax revenues were generally falling throughout the thirteenth century. The plough tax was originally levied on all secular landowners as well as ecclesiastical and monastic landowners, at least in the province Harsyssel.¹²⁷ It is illustrative for the situation that the indication of a drastic decline of the tariff for this tax is found in a coronation charter from the middle of the thirteenth century. The coronation charters were negotiated and agreed upon by the magnates (*Rigets bedste Mænd*) and the king, and the tax rates were apparently

122 Grindler-Hansen, *Kongemagtens krise*, p. 67.

123 Erik Ulsig, "Valdemar Sejrs Kongemagt", in *Jydske Lov 750 år*, eds Ole Fenger and Chr.R. Jansen (Viborg, 1991), p. 67 ff.

124 Erslev, *Valdemarernes Storhedstid*, pp. 156 f., 179 f.; Arup, *Danmarks Historie*, pp. 283, 293.

125 Bjørn Poulsen, "Kingdoms on the Periphery of Europe: The Case of Medieval and Early Modern Scandinavia", in *Economic Systems and State Finance*, ed. Richard Bonney (Oxford, 1995), pp. 101–122.

126 *DDR*, I, pp. 44 § 5, 46 § 16.

127 *DD*, I.6, no. 203.

negotiable. The period following the death of King Valdemar II in 1241 was marked by constitutional developments—see the chapter on law, justice, and constitution. The magnates' part in kingship grew stronger and it became customary for the king to meet with *Rigets bedste Mænd*, i.e. the most powerful lay and religious magnates, to a parliament, which became known as the *Hof* (court). This assembly of great men gradually took over the role of representing the kingdom's population, and what was agreed upon between the king and the great men assumed the character of a constitution. The name "Danehof", in use from the fourteenth century, underlines the position of the assembly as a representation of the realm. The kingdom was run by noblemen, *herremaend*, as they are called for the first time in the Law of Jutland (1241), and the clergy, who were exempt from the old taxes *leding*, *stud*, and *inne*. Tax exemptions for ecclesiastical and monastic institutions are known from the late twelfth century, while no later than 1241 lay magnates were also generally exempt.¹²⁸

The tax exemption for the lay and clerical aristocracy applied, however, not just to themselves but also to their subordinate tenants, the number of which as a social group grew continuously throughout the Middle Ages. Fines for neglect of military service from the late eleventh century and commutation of the *leding* from the mid-twelfth century gradually transformed ordinary freeholders and tenant farmers from soldiers into rent- and taxpayers, and this status was underlined by corresponding commutations of services and levies in kind during the first half of the thirteenth century.¹²⁹ To give up landownership and become the tenant farmer of a magnate exempt from tax was a nearby resort to escape tax and a good idea, provided the land rent to rent back the cast off freehold was less than the tax on the land. This was, however, hardly the prime motive for freeholders to give up ownership of their land, at least not around 1300, when land rents were very high. The land rent on some estates was at least twice as high around 1300 as it was from the mid-fourteenth century onwards.¹³⁰ Still, a successive transition from freehold to leasehold took place from the second half of the thirteenth century to the Reformation, when only 15 per cent of Danish peasants were still freeholders, while 85 per cent of the land was concentrated in the hands of an exclusive elite and cultivated by tenant

128 For example, *DD*, I.3., no. 67, 89, 90, 118; *The Law of Jutland* 3.7–20; Venge, *Danmarks skatter i middelalderen indtil 1340*, p. 187.

129 See chapter, War and Peace.

130 C.A. Christensen, "Nedgangen i landgilden i det 14. århundrede", *HT* 10.1 (1931), 446–465; Erik Ulsig, "Befolkningsfald, landgilde og jordpriser i det 14. århundrede", *HT* 10.1 (2001), 1–16; Erik Ulsig, *Århusundersøgelsen—under det nordiske Ødegårdsprojekt* (Aarhus, 2004), p. 97.

farmers.¹³¹ Prior to 1320 this process must not be overestimated. Freeholders were numerous before and in some regions, particularly in Jutland, even after this point in time, even though we increasingly find royal complaints about freeholders seeking protection (*værn*) under strong lords.¹³² The century after the death of Valdemar II in 1241 was not only marked by constitutional developments, but also by struggles between warring parties around pretenders. The wars and feuds led many free peasants to seek protection under stronger men, if they were not forced to do so by their coming protectors. Anyway, this process was a challenge to the royal finances.

Conclusion

Stud and *inne* appeared in the late twelfth century as the first general royal taxes to be collected in Denmark, the plough tax emerged around 1230, and about a decade later there are signs of the establishment of a royal military system (*leding*), which seemed to have been heralded on Zealand around 1170. The services *stud*, *inne*, and *leding* commutated in the course of time to cash payments. From the beginning of this process, we have evidence that the clergy and their subordinates were exempt from tax, while lay magnates were exempt from tax from the middle of the thirteenth century, and in the following period some free landowning peasants were more or less forced by circumstances to give up freehold and become tax-exempt land tenants under religious and secular lords, free of tax. Thus, in step with the Crown's increasing ability to collect taxes from the population in general, the number of groups exempt from tax grew. At first sight this may seem ironic, but it was not a surprising development. Kingship was based on a union of private men of power. As pointed out in the next chapter on war and peace, these lords commanded their own private military forces with which they participated in the military force of the realm. Because of this war service it felt reasonable enough that the aristocracy, often attached to the king as bailiffs and court officials, was exempt from paying war tax (*leding*). It was also in the aristocrats' natural, personal interest to pay as little tax as possible and to increase their power and wealth by, among other things, subduing or accepting free, landowning, taxpaying farmers under their protection and

131 Hybel and Poulsen, *The Danish Resources*, p. 400.

132 Anders Bøgh, "Bundones regis. Selvejrbøndernes antal og funktioner, især i senmiddelalderen", in *Konge, kirke og samfund. De to øvrighedsmagter i dansk senmiddelalder*, eds Agnes Arnórsdóttir, Per Ingelman and Bjørn Poulsen (Aarhus, 2006), pp. 117–150.

turning these freeholders into tax-exempted tenant farmers liable for a land rent. Although there were still many freeholders in Denmark around 1300, by all accounts the number of tenant farmers rose through the second half of the thirteenth century. Therefore, tax revenues were falling in the thirteenth century.

Territorial taxes are a marker of central power and medieval kingship in contrast to revenues from tributes and gifts, like simple looting, which do not imply permanent control of a population and a territory. It could therefore be argued that medieval kingship only emerged in Denmark towards the end of the twelfth century or perhaps sometime in the early thirteenth century. There is little source material to illuminate nationwide taxes earlier, while documentary evidence has allowed us some insight into the nature of specific early tribute, plunder, and gifts down to the beginning of the ninth century. It is well known how Danish warlords robbed northwest European towns and rich monasteries and churches. Less well known perhaps is that the Danes also plundered each other. It is the quest for riches in Christian Europe that we have several rich reports of. The abundant vivid reports in Christian chronicles about the Northmen's devastation and looting in western Europe laid the foundation for the creation of "the Viking" in the nineteenth century. The domestic side of this special form of economy, based on robbery, is only illuminated by a few reports and speculations based on archaeological evidence. For example, some of the ambitious building projects in Denmark from the ninth and tenth centuries could hardly have been built without a conscripted workforce or slave labourers, but we have no evidence of it.

Trade, merchants, markets, and towns were victims of the "Vikings". Vice versa they were objects of protection and taxation for Danish kings even before 1000. Towns were suitable early tax objects, and towns developed to be fiscally demarcated from the rest of the country when the medieval kings began to impose taxes on the land and the population in general. Lordship was crucial to early urban growth and Danish towns in the tenth and eleventh centuries were often strongholds for kings and powerful magnates together with the newly established church. The earliest report of a Danish king yielding revenues from a town by controlling its merchants is from 808. It is plausible that the taxing of the town of Hedeby/Schleswig was continued by the kings in the tenth century. The first document indicating a Danish king's control of a town is a report in the town law of Schleswig from c. 1200 telling that King Sven Magnus (1047–1074) was the first to control the town, but it does not mention any dues to the king from the town in return. The first charter informing about royal revenues of Danish towns is from 1085. The next is from 1140. From then on incomes from the town markets appeared together with duties for safe conduct,

military service, transport, and labour service. Customs duties on exported commodities are indicated from the first half of the thirteenth century, and in the second half of the century customs duties on goods imported to and exported from the towns can be found in the town laws. A charter from the last decade of the thirteenth century heralds a reformation of the royal collection of town taxes. Former duties on safe conduct and permission to trade collected from individuals are commuted to a general promise of protection and free trade, in return for maximum customs tariffs on the most commonly exported commodities. Thus, we have a relatively clear picture of the development of the different types of income town lords had from towns and markets, but it is not possible to estimate the revenue quantitatively. There is, however, no doubt that the incomes from towns and markets rose markedly in step with urbanization. The distribution of the revenues from markets and towns among the different town lords can neither be made up exactly, but the king no doubt got the lion's share.

Minting was an urban source of royal revenue at an early stage. The second half of the eleventh century was a turning point in the history of Danish coinage insofar as a Danish mint monopoly was established. From then on, minting was carried out in a limited number of larger towns by the kings, as well as by the bishops and towns that the kings gave part of the mints to during the twelfth century. The king's income from the mints was substantial. It has been estimated to as a total of nine hundred marks of silver in Roskilde, and 1200 marks of silver and eight marks of gold of the mint in Lund around 1230. In addition, the king had income from certain outlying districts. From the middle of the twelfth century, Friesland and the Frisian island of Sild paid to the king and in 1231 the king received payments amounting to five hundred silver marks from the newly conquered island of Fehmern.¹³³ It is a matter of dispute whether these areas should be considered Crown land or simply parts of the realm. If they are perceived as Crown land, which is reasonable, it is, however, disingenuous to talk about tax.¹³⁴

A similar objection could be raised against categorizing the royal revenues from towns and commerce as taxes before the Crown became able to collect nationwide duties. Before that, the towns could be considered parts of the royal domain. After that, i.e. about 1200, they can be reckoned parts of the realm on equal footing with the provinces of the realm. Based on the fiscal criterion it

133 Ulsig, "Landboer og bryder", p. 154, note no. 111; *KVJ*, pp. 50–52.

134 The status of these areas is discussed in the chapter, *The Realm*.

might be suggested that medieval kingship was established in Denmark about 1200. Due to the lack of tax lists and other adequate sources it is, however, impossible to estimate to what extent nationwide, regular taxes were collected even at the end of thirteenth century.

War and Peace

In his *Germania*, Tacitus accounts for three government offices in the Germanic tribal societies; the king, the general, and the priest. He does not describe the character of the royal offices in detail, only, as we have previously noted in the chapter on a *speculum regale*, that kings were elected by birth, while the generals were chosen for their merits in war. In war, they were leaders because they fought at the front of the army and for that they were admired. To reprimand, to imprison, even to flog was permitted to the priest alone by the mandate of the gods.¹ It has been held that the sacral aspect of kingship was the original basis of the development of the royal office in Denmark and that early Danish kings had authority in wartime only.² Thus, the nature of early Danish kingship has been imagined to include all three aspects of government in Germanic societies found in the work of Tacitus. Although any direct written documentation does not exist, ancient Danish kingship has been described as a very vague and weak institution.³ It has even been argued that the Danish kings did not command greater military forces before the middle of the eleventh century, when King Sven Magnus no longer could afford to pay his retainers to follow him into war. The solution was purportedly to prevail upon the rural population with promises of part of the booty from warfare. Earlier, the Viking kings could arrange expeditions with their retainers at any time, now the king had to submit his proposals of warfare to the peasants at the thing where they were free to reject or adopt the king's proposal. The thing had continuously the ultimate authority to dispose of war and peace. Thus, the Viking kings were considered merely warlords among other, lesser warlords with their own private armies of followers, who aspired to get control of the rural popular military forces.⁴

Another theory has been that the development of royal authority over the armed forces can be seen as an evolution of a gradually increasing royal leader-

1 Tacitus, *Germania*, p. 19.

2 Jørgensen, *Dansk Retshistorie*, p. 269.

3 Christensen, *Kongemagt og Aristokrati*, pp. 17–18; Herluf Nielsen, "Konge", *KLNM*, vol. 9, cols 4–7.

4 Erik Arup, "Leding og Ledingsskat i det 13. Aarhundrede", *HT* 8.5 (1914), 141–237; Arup, *Danmarks Historie*, pp. 181–182, 187; Poul Johs. Jørgensen, "Review of Arup's *Danmarks Historie*", *HT* 9.4 (1925–1926), 35–51.

ship of the private gangs of warriors in the Viking Age.⁵ Both theories consider kingship as being based on military control phased in by great warlords getting continuously greater control over the archaic, popular, rural military forces and the private war gangs of lesser warlords, the *lids*. Such a fusion of the two older theories can be found in a dissertation from 1996. In this work, it is asserted that the king was king on the strength of the support of the army. Consequently, the realm is defined as the regions from which lords and people followed the king in warfare.⁶ The question is when this rather simple definition of kingship and realm corresponded to the territory of what is known as medieval Denmark.

Viking Kings and/or Warlords

The Frankish annals are, as previously mentioned, the earliest written sources for the study of the political history of Denmark. Long before the Northmen or the Danes appear in these annals, the Merovingian kings disposed of a military system including the lords and their armed retainers, the garrisons of the fortified towns, and free peasants under the leadership of a count.⁷ During Charlemagne's many years of war the military system was refined and divided into three arms. First, and perhaps most important, was the heavy cavalry of great men or men equipped by the king, the magnates, or the church. A part of the heavy cavalry were royal vassals with fiefs of fifty to two hundred *mansi* of land, others were maintained at the royal court. The latter was the standing army, the *scara*. Secondly, there was the more numerous light cavalry, and thirdly, there was the infantry of free men under command of a count. During the expansion of the Carolingian Empire until around 800 the army was primarily made up of magnates and their private retainers, after the turn of the century there was evidently a need for a more broad-based mobilization in this great empire. Charlemagne now required military service based on landownership from a larger group of landowners, but these requirements never universally covered the entire empire, they varied from place to place and from time to time. All landowners, great as well as small, seem to have had an absolute obligation

5 Inge Skovgaard-Petersen, "Vikingerne i den nyere forskning", *HT* 12.5 (1971), p. 709; Skovgaard-Petersen, "Oltid og Vikingetid", pp. 194–197.

6 Niels Lund, *Lid, leding og landeværn. Hær og samfund i Danmark i ældre middelalder* (Roskilde, 1996), forord.

7 Bernard S. Bachrach, *Merovingian Military Organization 481–751* (Minneapolis, 1972); Bernard S. Bachrach, "Military Organization in Aquitaine under the Early Carolingians", *Speculum* 54 (1974), 1–33.

to perform military service when the Frankish kings demanded it, but it was possible to have this service commuted. Neglect of military service was not the same as desertion, which was a capital crime, because the neglect of service was met by demand for financial compensation—*haribannum*. Charlemagne could allow parts of his forces to stay at home against payment. Later in the ninth century, commutation of military service developed into a land tax on all Frankish landowners with no personal military services.⁸ The same thing happened in England after military service—*fyrth*—in Edward the Elder's reign became the legitimizing requirement for holding land. The *fyrth* was now imposed on landholding, and commutations of military service eventually developed into a tax with no direct connection to its military origin.⁹

No descriptions of military systems similar to those found in Frankia and England have survived from the Northmen, neither do the descriptions of the political and military conditions in the North in the ninth century in the Frankish annals or in any other source provide such information. The Frankish annals are rather preoccupied with the militant Northmen, their internal wars and attacks on the Franks, Frisians, and Saxons. These annals give no image of the Northman military systems though. Reports of the Northman raids on the coast of north-western, continental Europe can be found some three hundred years before the zenith of the Carolingian Empire. According to Gregory of Tours, the Danish king Chlochilaichum plundered the coast of Theodoric's kingdom with a fleet around 515.¹⁰ This incident seems to have been an attack of a character similar to the Northman raids, of which we have abundant information from the centuries after 793 when the isle of Lindisfarne, off the far north of the English North Sea coast, was ravaged by heathens.¹¹

The Frankish Empire was demarcated by the Elbe and the Eider in the north and the east. In around 800, beyond these rivers the Franks were faced with the Saxons and the Northmen. The former the Franks subjugated, while they

8 Jean Francois Verbruggen, "L'armée et la stratégie de Charlemagne", in *Karl der Grosse. Lebenwerk und Nachleben*, ed. Wolfgang Braumfels, vol. 1, *Persönlichkeit und Geschichte*, ed. Helmut Beumann (Düsseldorf, 1965), pp. 420–436; Phillip Contamine, *War in the Middle Ages* (Oxford, 1984), pp. 179–184; Timothy Reuter, "The End of Carolingian Military Expansion", in *Charlemagne's Heir. New Perspectives on the Reign of Louis the Pious (814–840)*, eds Peter Godman and Roger Collins (Oxford, 1990), pp. 391–405.

9 Richard Abel, *Lordship and Military Obligation in Anglo-Saxon England* (Berkeley, 1988), pp. 96, 115.

10 Gregory of Tours, *Gregorii Episcopi Turonensis historiarum*, 3, eds Bruno Krusch and Wilhelm Levison (Hannover, 1951), p. 99.

11 *The Anglo-Saxon Chronicle*, p. 36.

never quite mastered the Northmen. In 777, it is reported by the Frankish annals that the rebellious Saxon Widukind did not, like the majority of the Saxons, appear at Charlemagne's court because he had fled to the land of the Northmen. Neither did Widukind show up at the court in 782 while the Northman king Sigfred sent an envoy.¹² Widukind was not the only one who joined a Danish king. After Charlemagne had moved all Saxons living on the north-eastern side of the Elbe to Frankia in 804 and given their land to the *Abodritos*, Godfred, the king of the Danes, invaded the land and the *Linones* and the *Smeldingos*, two local peoples, joined him. On King Godfred's side was also another local people, the *Wilzi*.¹³ Thus, Godfred fought Charlemagne's son, Charles, with a multinational force which apparently made it possible for him to destroy the trading post *Reric* and transfer all the merchants to *Sliestorp* (Schleswig) before he returned home.¹⁴ It is likely that both Sigfred and Godfred were mighty warlords who attracted warriors from many parts. They caused the Franks many problems, and when the message came to Charlemagne in 810 that Sigfred had been killed by one of his own men, he hardly mourned.

Godfred was succeeded by his brother, Hemming, who negotiated a peace treaty with the emperor in 811. In the report of the peace talks at the River Eider in 811 we get an image of structures of power on the Frankish side versus the Danish. The Frankish delegates were called "counts", while the Danish negotiators are accounted for in a hierarchy, where the king's brothers are considered to be the grandest (*inprimis*) and the others merely as honourable (*honorabilis*) men.¹⁵ The following year Hemming died. A nephew of King Godfred, Sigfred, and a nephew of Harold, "the former king", gathered warriors and met in a battle where they both died. The victorious party elected Godfred's two other nephews, Harald and Reginfred, to be kings.¹⁶ We have no reason not to believe this story, or at least to throw doubt on the notion that it reflects how military forces were gathered and commanded in the early ninth century. The political and military leaders had to gather warriors and apparently took active part in the battle themselves. If they were killed, the victorious side elected new leaders.

We have heard of negotiations, the signing of alliances, and Northman or Danish leaders assembling followers and warriors from various parts of north-

12 *Annales regni Francorum*, anni 777, 782.

13 The *Linones* lived in western Mecklenburg and eastern Holstein. West of them lived the *Smeldingos* and south of them were the *Wilzi*.

14 *Annales regni Francorum*, anni 804, 808.

15 *Ibid.* anno 811.

16 *Ibid.* anno 812.

ern Europe, but where was their home base? In 804, the Frankish annals report that King Godfred came to a place called Schleswig at the border between his realm and Saxony. Later in 811 we might get the impression that the border between the two peoples was at the Eider where the meeting was held between Frankish and the Danish delegates.¹⁷ Before 855, the annals report about the Frankish encounters with Northman leaders residing in Schleswig, while, as we have seen in the chapter on genealogy, henceforth they only report about Danish kings of Frisia.¹⁸ Thus, we are not provided with an image of territorial lords but rather vagrant warlords with a home base attracting Northman followers as well as warriors of other nationalities. The Frankish king fought not only the Northman kings, they also, in their own interest, interfered in conflicts between Danish kings. In the 820s, when the Franks were supporting one party in such a conflict, they sent missionaries to the North and began considering the land of the Danes their *marca*.¹⁹ These reports of Frankish encounters with the Northmen are colourful and entertaining, but they do not provide much information about the Northman military systems.

It is clear from the Frankish annals that the Northman leaders were men of a certain power, but they were not kings in the medieval sense. They are called kings (*rex*), but it is perhaps for lack of a more appropriate title, or because of want of knowledge about the power relations among the Danes. On the other hand, the annals seem to be quite knowledgeable about the hierarchy among the Danes. The annals make distinctions between kings and leaders when they inform about the Northman raids, but it is difficult to figure out the difference between these designations. The descriptions of the Northman power relations in the Frankish annals are reminiscent of feuding warlords in charge of clans or political parties. Likewise the plentiful accounts of the Northman raids on the coasts of north-western Europe, that fill the Frankish annals ever more in step with the fall of the great Carolingian Empire from the 840s, leave the impression of the Northman kings being equivalent to warlords.

Archaeological monuments have, however, given rise to suppositions that powerful kings with extensive military powers prevailed in the country already in the first half of the eighth century. In the 720s, a 500-meter-long and 11-

17 Ibid. anni 804, 811; the twelve-hundred-year anniversary of this meeting was celebrated in 2013 as the anniversary of the border between Denmark and the Frankish Empire/Germany. *Deutsch 1200 Jahre Dänische Grenze*, eds Steen Bo Frandsen, Martin Krieger and Frank Lubowitz (Kiel, 2013).

18 See chapter Genealogy, note no. 29.

19 See chapter *Marca*, *feudum*, and Sovereignty.

meter-wide canal was dug across the island of Samsø.²⁰ The Kanhave canal, as it is called today, probably made it easy to transfer ships from the east side to the west side of the island. It has been suggested that the canal was constructed in order to protect commercial shipping, to control the coasts of east Jutland and Funen “and to uphold the unity of the Danish kingdom through a demonstration of the king’s power ...”.²¹ In Schleswig, the oldest part of the notorious Dannevirke was constructed at latest around 700. This rampart was massively expanded in the first half of the eighth century from today’s Hollingstedt at the River Treene in the west to the Schlei in the east, where it protected the peninsula Schwansen.²² These facilities required great work and logistics and perhaps forced labour organized by kings who had the power to make such demands of the people, but we do not know. Neither do we know if the building of these facilities was actually organized by kings, nor do we have any knowledge of whether the same king established the Kanhave canal and the rampart, later to be known as Dannevirke. All we know is that according to Alcuin in his *Vita Sancti Willibrordi*, before 714 the wild Danish people were ruled by a cruel and hard man called Ongendus.²³ Whether he lived during the following decades we do not know. The Frankish annals on the other hand tell that in 808 the Danish king Godfred, after having transferred the merchants from the Abodrite trading centre *Reric* to the sea port *Sliethorp* (Schleswig/Hedeby), fortified the border of his realm with Saxony with a rampart along the northern banks of the Eider from the Baltic bay called *Ostersalt* to the North Sea (*occidentalem oceanum*).²⁴ It must be the rampart Dannevirke the annals are referring to. This alignment is, however, geographically incorrect and a building phase of the Dannevirke at this time has not yet been confirmed archaeologically.²⁵

In the tenth century, the course of this fortification was changed in various ways. The market place Hedeby was surrounded by a rampart which was connected to the main rampart by an approximately 3.5-kilometre-long ram-

20 Dendrokronologiske rapporter, Nationalmuseet (Copenhagen, 1996) http://natmus.dk/fileadmin/user_upload/natmus/nnu/Dendro/1996/96-5.pdf.

21 Olaf Olsen, “Royal Power in Viking Ages Denmark”, in *Syvende tværfaglige Vikingsymposium*, ed. Hans Bekker-Nielsen (Odense, 1988), pp. 15–16.

22 Maixner *Haithabu*, pp. 24–25; H. Hellmuth Andersen, “Dannevirke”, in *Den store danske Encyklopædi*, vol. 4, eds Jørn Lund et al. (Copenhagen, 1996), pp. 600–601.

23 Alcuin, *Vita Willibrordi archiepiscopi Tracictensis auctore Alvino*, 9, eds B. Krusch and W. Levison (Hannover, 1885), pp. 123–124.

24 *Annales regni Francorum*, anno 808.

25 Maixner, *Haithabu*, p. 24; Hellmuth Andersen, “Dannevirke”, p. 600.

part. These extensions of the fortification have been dated to the second half of the 960s when Widukind of Corvey finished his chronicle. Widukind tells that “a war against the Danes was forthcoming”. Around 1000, Thietmar von Merseburg reports about a German campaign against Schleswig in 974, and Thietmar claims that the Germans once more had problems with the Danes when Otto II died in 983.²⁶ Moreover, a 6.5-kilometre-long rampart, Kovirke, was built south of Dannevirke.²⁷ Jelling in eastern Jutland, which is believed to have been the residence of the renowned King Harald Bluetooth and his parents, was fortified by a palisade, which is dendrochronologically dated to Harald’s time. Finally, a number of ring forts of the commonly known northern European type were built in the tenth century. The best archaeologically examined of these ring forts on Danish territory seems only to have been used for a short period of time. The Danish ring forts are not mentioned in written sources, but it was apparently quite common for the Northmen to erect temporary fortifications and spend the winter in them, including during campaigns.²⁸ All features of the ring forts in Scandinavia can be found in previous and contemporary installations in northern Europe. Disagreements and similarities in design, dimensions, internal housing, etc. can be found between the Danish ring castles as well as between the other northern European ring castles. The Danish ring castles are not unique. Three of the Danish ring forts, Aggersborg, Fyrkat, Trelleborg, however, show so many similarities that it has been suggested that they were built by the same entrepreneur at the behest of one and the same client, that is to say Harald Bluetooth.²⁹ This theory cannot be verified, although it may be true. Still, it has tempted some to consider it a historical fact and a solid argument for the founding of a strong and mighty Danish kingdom.³⁰

26 Hybel, *Danmark i Europa*, p. 83.

27 H. Helmuth Andersen, *Dannevirke og Kovirke. Arkæologiske undersøgelser 1861–1993* (Højbjerg, 1998); A.S. Dobat, “Danevirke Revisited: An Investigation into Military and Socio-Political Organisation in South Scandinavia c. AD 700 to 1100”, *Medieval Archaeology* 52 (2008), 27–67; Maixner, *Haithabu*, p. 25.

28 See for example Regino of Prüm, *Reginonis chronica*, anno 884.

29 Søren M. Sindbæk, “Aggersborg og andre borge”, in *Aggerborg i Vikingetiden. Bebyggelsen og borgen*, eds Else Roesdahl et al. (Aarhus, 2014).

30 In a report on the archaeological find some about twenty kilometres north of Trelleborg at the banks of Lake Tissø, where a market place and traces of a monumental building have been excavated, it is for example established as a historical fact that “in 980 Harald Bluetooth built Trelleborg”. Lars Jørgensen and Lisbeth Pedersen, “Vikinger ved Tissø.

The image of Harald Bluetooth's realm as a temporary highpoint in the development of Danish kingship is founded in the archaeological fact that more building activity has been detected in the tenth century than in the ninth century and even in the following two centuries. Speculations about the king's right and capacity to dispose of forced labour have been compared with earlier and contemporary military services in England and France, but no evidence from Denmark exists. We have no information on any military dues let alone a military structure of recruitment etc. All we know about Harald's military abilities is the allegation on the famous runic stone at Jelling that he "won all Denmark and Norway", and the opinion of Adam of Bremen, written down some hundred years later, backed up by the information provided by Widukind and Thietmar referred to above, that Harald was a troublesome vassal. Adam also argued that Harald was ultimately ousted by his son Sven.³¹ Based on these reports Harald does not appear to have been a particularly strong military leader. This image contradicts the theory that he had strong fortifications built, based on forced labour as part of a general military service imposed on the population. In addition, it is possible that men other than Harald had ring forts built in his time. In the Middle Ages, the construction of fortifications was, indeed, not exclusively a royal concern. In fact, historically it would be quite unique, if at the time of Harald Bluetooth only he built fortresses. Similarities in the construction do perhaps suggest that the buildings were designed by the same architect, but they do not necessarily give reason to believe that one and the same client had ordered the building of the constructions. Such a given connection between similarity in design and client at least does not apply in the extensive building of stone churches in the twelfth and thirteenth centuries.³² Various other speculations about who ordered the Danish ring forts built could be made, but it would be rather pointless. However, it can be concluded that the ring forts and the other archaeological finds of buildings dated to and around Harald Bluetooth's time have increasingly given fuel to many speculations, but no solid knowledge, about the kings' military capacities in the late tenth century.

We are better informed about the wars of his alleged son, but the sources tell only about the wars Sven Forkbeard participated in and possibly their results. Only one quite problematic source provides an ambiguous impression

Gamle og nye fund fra et handels- og håndværkscenter", *Nationalmuseets Arbejdsmark* (Copenhagen, 1996), p. 35.

31 Hybel, *Danmark i Europa*, pp. 75–84.

32 Anders Reinholdt Nielsen, *Fra marksten til murværk. En ressourceøkonomisk analyse af det danske landsbykirkebyggeri fra 1100–1300* (Copenhagen, 2007). Unpublished thesis.

of the role the king played in the decision-making in connection with military campaigns. Sven's warfare in England is well-known. He probably took part in the campaign which in 991 included the Battle of Maldon, and he came back to England again in 994 and 1003. Ten years later, in 1013, he apparently decided to conquer the country and around 1000 together with his allies, the Swedish King Olaf Eiríksson and Earl Eirik Hákonarson, he fought the naval battle of Svolder in the western Baltic Sea against the Norwegian king Olaf Tryggvason.³³ The *Gesta Cnutonis regis* (or *Encomium Emmæ reginæ*) commissioned by Emma of Normandy (985–1052), the widow of Æthelred the Unready (960–1016) and later Cnut the Great (c. 985–1035), was written in the years after the death of Cnut in 1040, probably by an anonymous Flemish cleric, maybe a monk from the abbey of Saint-Bertin in Saint-Omer in Flanders. The *Gesta Cnutonis regis* informs about Sven Forkbeard and Cnut the Great. Before a punitive expedition to England was launched, the chronicle tells that “the king [Sven], supported by the counsel of his chief men, and relying upon the goodwill of his soldiers, ordered that a numerous fleet should be prepared, and that warning should be given on all sides to the entire military power of the Danes [*uniuersam militiam Danorum*] to be present under arms at a fixed date, and in obedience to the king's wish, to perform with the utmost devotion whatever they were commanded. Messengers soon traversed the whole country at the command of their king, and admonished the tranquil people, in order that no member of so great an army should escape the choice by which every warrior of the land must either incur the king's anger or hasten to obey his command. What then: they mustered without any objection, and, having been provided with the arms of war ... and showed themselves prepared of danger or death ... the king ... ordered his wishes to be made known by means of heralds ... When this had appealed to all [*Quod ubi omnibus uisum esset laudabile*] the king began to organize the home defence and the expedition in details.”³⁴

One can doubt whether a Flemish monk knew much about Danish affairs, more likely he was familiar with how the warriors of the Frankish kingdoms were called to the thing to make decisions about war and peace. Disregarding this general critical consideration, it must be noticed that the text quoted above

33 Niels Lund, “Peace and non-Peace in the Viking Ages—Ottar in Biarmaland, the Rus in Byzantium, and Danes and Norwegians in England”, in *Proceedings of the Tenth Viking Congress, Larkollen, Norway, 1985*, ed. James E. Knirk, Universitetes Oldsaksamlings Skrif-ter, n.s. 9 (Oslo, 1987), pp. 264–268; Niels Lund, “The Danish Perspective”, in *The Battle of Maldon AD 991*, ed. D.G. Scragg (Oxford, 1991), pp. 133–140.

34 *Kong Knuts Liv og Gerninger eller Æreskrift for Dronning Emma*, trans. M.Cl. Gertz (1896), pp. 18–19; *Encomium Emmae Reginae*, ed. Alistair Campbell (Cambridge, 1998), pp. 10–12.

is rather ambiguous. We are told that the king, by council of his chief men, commands that a fleet should be armed and that all the Danes' military forces from all locations should meet under arms and obediently obey the king's will. This part of the report gives the impression of a very strong royal power with right to command the military forces of the land. Still, the precondition of the decision, which the king made with the advice of his chief men, was that he relied on the goodwill of his soldiers. This is also shown at the end. Executing the will of the king and his advisers requires the soldiers' acceptance and commitment to the actual war plans presented. This account suggests that the king in council may take the initiative to convene a thing where he can present his plans, but these plans can only be realized after the meeting's approval of them. The king does not reign supreme in war and peace, he is a military leader who can take initiatives, but the king does not have the authority to launch expeditions without the approval of the thing, i.e. the fleet.

According to the Flemish monk, Sven assembled a fleet of Danish warriors. Previously we have seen that warriors of other ethnic origins gathered in the armies of the Danish kings; it also applies to Sven Forkbeard and Cnut the Great. The main reason why the mighty King Cnut the Great gave the law of his retainers was, according to Saxo Grammaticus, that Cnut remarked how different the warriors who flocked to him in large numbers were in nation, language, and being.³⁵ A few decades earlier the origin of *Lex Castrensis* was described by Sven Aggesen in accordance with Saxo's edition. It is a law given in order to unite his heterogeneous warriors from all sides and to make them into an obedient army (*tinglith*) for the king, "like limbs subject to one head".³⁶ Whether this law can be dated to Cnut the Great's time or is a reflection of Saxo and Sven Aggesen's day more than a century later is not essential.³⁷ In either case it indicates that Danish kings in the eleventh and twelfth centuries recruited foreign troops, like they did earlier. The *Anglo-Saxon Chronicle* confirms that there were at least both Danish and English men on King Cnut's side.³⁸ We have no direct information of how Cnut recruited and organized his fleet. Still, according to the *Anglo-Saxon Chronicle*, after the death of Sven Forkbeard in 1014 "all of the fleet elected Cnut king" and later that year "the king ordered 21,000 pounds to be paid to the army which lay at Greenwich".³⁹ These data

35 Saxo 10.18.1–2.

36 Aggesen, *Lex Castrensis*, pp. 68–71.

37 This issue is discussed in the chapter, Law, Justice, and Constitution.

38 For example in 1025 at the Battle of Holm, probably in Scania *The Anglo-Saxon Chronicle*, p. 100.

39 *Ibid.* p. 93.

suggest the king's reliance on the army and that his warriors' goodwill should be maintained with rewards and booty.

When Cnut died in 1035 there was disagreement over which of his sons should succeed him as king of England. Harold "said that he was the son of Cnut". "All the thegns north of the Thames and the shipmen in London chose Harold to the regency of all England ... Some men said about Harold that he was the son of King Cnut ... but it seemed incredible to many; and yet he was full king of all England". In 1037, "Harold was chosen king everywhere [in England], and Hardacnut was deserted because he was too long in Denmark". Harold ruled England for four years and sixteen weeks. He died in 1040 and Hardacnut, who in 1039 had joined with his mother Emma in Bruges, went to England with a fleet. Whether he conquered England or was immediately received by both the English and the Danes in England is uncertain. The *Anglo-Saxon Chronicle* does not say anything about the ethnic composition of the fleet or how it was organized, only that an army-tax was collected in England and that Hardacnut in 1042 "standing at his drink ... suddenly fell to the ground with fearful convulsions".⁴⁰ The chronicle does not mention Hardacnut as king of Denmark, only that he stayed there. Adam of Bremen, on the other hand, claims that Cnut the Great himself had ordained that after his death his three sons should follow him on the throne; namely Harold in England, Sven in Norway, and Hardacnut in Denmark. If that is right, Hardacnut's reign was very short, because the Norwegian king Magnus, who had taken over Norway after Sven died, conquered Denmark while Hardacnut was in England.⁴¹

Hardacnut's expedition to England was by all accounts a private enterprise like those of his forefathers, Cnut the Great and Sven Forkbeard, had been. These expeditions were not based on a royal prerogative to organize and command a national military force and we have even less evidence of such royal rights when we study the internal struggles between rival rulers within the lands of the Danes and their raids into northern Germany and the western parts of the European continent in general. The king was king because of the consent of the army, i.e. the king was primarily a warlord: either he was elected by lesser warlords and their warriors (*lid*), or warriors were attracted to him and gathered around him because of his charisma and skills and success as leader in war.

40 Ibid. pp. 103–107.

41 *AB*, 2.74, 2.77.

Medieval Kings and/or Warlords

Hardacnut has been called the last *Viking-king*. The founder of the medieval royal Danish dynasty, Sven Magnus (1047–1074), can be seen as an intermediate figure in the transition from the Viking Age to the Middle Ages.⁴² As shown in the chapter on historiography, one of the two schools of Danish historians considers his reign in the second part of the eleventh century as the embryo of a medieval kingdom which developed into a fully developed European medieval kingdom around 1200. This is in many respects a sound judgement. The question is, however, to what extent the Danish kings in the late eleventh and the twelfth centuries differed from the earlier kings in terms of their right and power to make decisions about war and peace.

Before Sven Magnus became king of the Danes by force he, as a true Viking, ravaged the coast of north-western Germany en route to England, where he was captured by the Archbishop of Bremen who, however, he developed a friendship with, according to Adam of Bremen.⁴³ The contemporary sources provide no basis for concluding that Sven had the right to, let alone control over, national military forces. Adam of Bremen reports many battles between the Norwegian king Magnus and Sven the Younger, i.e. Sven Magnus, after Hardacnut died. Each time Sven was defeated he fled to the Swedish king. King Magnus consequently controlled two realms, the Danish and the Norwegian. However, Sven had support from the Swedish king and he eventually ousted Magnus from Denmark. Magnus died and Sven now held the power in the two kingdoms, and he also assembled a fleet to conquer England. Sven succeeded with this project too, if we can believe Adam, inasmuch as Sven was appointed heir of England by the English king Edward.⁴⁴ How Sven recruited his men is not known. The *Anglo-Saxon Chronicle* reports that Magnus drove Sven out of Denmark in 1047, even though fifty English ships were sent to support Sven. The following year Sven returned and once again asked King Edward for naval assistance, “but all the people refused”. Twenty-one years later in 1069, Sven came with a fleet of 240 ships with Earl Osbeorn and Earl Thorkil. The following year, the Danish fleet was reported in the Thames from where it returned to Denmark. In 1075, two hundred ships came from Denmark commanded by Sven’s son, Cnut, and Earl Hakon.⁴⁵ Beyond this information that Sven had

42 Nils Hybel, “Den såkaldte Svend Estridsens kongemagt”, in *Svend Estridsen*, eds. Lasse Sonne and Sarah Croix (Odense, 2016), pp. 173–194.

43 *AB* 2.75.

44 *Ibid.* 3.12.

45 *Anglo-Saxon Chronicle* D, pp. 110–111, 150–151, 157–158.

allies, retainers of powerful men, and that his son and trusted man led the fleet during the expedition to England the year before Sven's death in 1075, the chronicle gives no information on how he recruited and organized his military forces.

A hundred years later Saxo Grammaticus confirms that Sven was supported by great men, even though he only had a few unorganized troops when he first fought against King Magnus. One of his followers was the Wend, Gudskalk. Another was Skjalm Hvide's helmsman, Asklak. Saxo tells, moreover, that Sven assembled the Jutes and supplemented them with men from Scania and Zealand, and how the Scanians at one point broke the unity of the fleet and deserted. As a basis for his kingship Sven had apparently, in contrast to the Norwegian King Magnus, not much authority over the Danish population, and there is nothing in Saxo's account to suggest that he could muster a national army. It probably consisted of powerful men, among whom there were also foreigners, who supported him with their forces. One of these powerful men was Skjalm Hvide who commanded the men from all of Zealand. Later, during the supposedly weak government of Sven's son, Olaf, Skjalm excelled himself by virtue of his great authority in haggling to rally the people for a vendetta against the Wends, who had taken Skjalm's brother, Aute, prisoner. That Saxo tells the story as an expression of King Olaf's weakness does not undermine the fact that Skjalm appears as a man who not only had his own military forces, but could also have a decisive influence on broader decision-making processes.⁴⁶ Olaf was one of the five of Sven Magnus's many sons who followed him on the throne. We have no other information on military matters during Olaf's reign (1086–1095), nor do we have any from his brother and successor Eric's time (1095–1103). The same can be said about the time during Harald Hen's reign (1074–1080). The latter was the immediate son and heir to his father Sven Magnus.

The two of Sven's sons we know most about are Cnut IV the Holy (1080–1086) and Nils, who was king for thirty years (1104–1134). In the charter from 1085, King Cnut Holy declares for all Christians, how he, Cnut IV, King Magnus's son, after having taken over the kingdom as an inheritance from his father endowed St Laurenti church in Lund with land in various villages in Scania, Zealand, and Amager. These lands are given to the dean and the other brothers at the church with all royal rights (*regiam iusticiam*) attached to the said land except three offenses (*culpīs*), one of which is the fine for neglect of military service ("Si

46 Saxo 10.22.1, 10.22.5, 11.1.1, 11.4.1–2, 11.5.1–3, 12.4.1.

expedicionem neglexerit erga regem emendet").⁴⁷ The phrases *regalia* or *iura regalia* were used in Germany from the eleventh century about royal rights and incomes of different sorts; in particular in charters of donations to religious institutions. These multiple rights reached a zenith at the imperial court in Roncaglia in 1158, when no less than twenty-five royal rights were stated legally patterned on Roman imperial law.⁴⁸ Whether *regiam iusticiam* was merely a phrase used by the cleric writing the document from 1085, or there was an actual intention of claiming royal rights behind the phrase is impossible to determine. What we do know is that no source indicates that a royal right of imposing fines on neglect of military service generally and nationally existed. In the chapter on tax the idea that the royal rights mentioned in the charter were nationwide taxes is refuted. It is argued that more likely they were land rents on the land owned by the king and now given away to the church in Lund. The consequence of this analysis is that military service was part of the land rent imposed on the king's tenants, and this being so he was of course also entitled to fine his tenants if they neglected this service. A hundred years later, in 1186, the donation was assented by King Cnut VI. The affirmation validates that the said royal burdens, including the fine for neglecting military service, lay with tenant farmers (*coloni*) living on the land formerly owned by King Cnut IV.⁴⁹

According to the anonymous hagiography of King Cnut IV *Passio St Kanuti regis & martyris*, written between 1195 and 1101, the saintly king and the best men of the realm decided that they should promulgate an order among the people to make an expedition to England to free the English from the heavy yoke of bondage. This was done as a measure to teach the barbarian Danish people Christian values and with full right bring the unchristian part of the chiefs to heel. The *Anglo-Saxon Chronicle* confirms the story in the anonymous hagiography about King Cnut's project, so far as it reports that in 1085 King William of England was informed of King Cnut's plans for an invasion of England in cooperation with his father-in-law. This information made William prepare for the defence of the realm. However, William found out "that his enemies had been hindered and could not carry out their expedition".⁵⁰ The chronicle does not account for the reason why Cnut's initiative did not come out as a success. The anonymous hagiography, *Passio*, on the other hand holds that it was because the bad part of the chiefs stirred up the crowd, including the

47 *DD*, 1.2, no. 21.

48 *KLNM*, vol. 7, cols 522–524; *ibid.* vol. 13, cols 698–701; Ole Fenger *Romerret i Norden* (Copenhagen, 1977), pp. 77–78.

49 *DD*, 1.3, no. 124.

50 *The Anglo-Saxon Chronicle*, p. 161.

king's brother Olaf, who the king consequently sent away to Flanders. Almost all the Jutes rose in rebellion against the king and drove him down through Jutland from where the king escaped to Funen, only to be killed by natives of Funen in front of the altar in the church of St Alban in Odense.⁵¹ The *Anglo-Saxon Chronicle* irately expresses this criminal act of treason thus: "The state of affairs in Denmark was such that the Danes who had been reckoned the most trustworthy of nations became perverted to the greatest disloyalty, and the greatest treachery that could ever happen. They chose King Cnut and submitted to him and swore oath to him, and then basely killed him in a church".⁵² The chronicle goes too far. Firstly, it was Jutes and the men of Funen who rose against Cnut and ultimately killed him. Secondly, the king was not betrayed by all men, but the royal party was evidently not strong enough to fight the rebellious coalition. The king and the best men of the realm, i.e. the royal party, are considered legally competent to convene the country's military forces by the anonymous hagiography, but this coalition had no power to carry through the undertaking. Resolving on an expedition was apparently still not broadly accepted as a royal prerogative, or alternatively the royal party obviously did not have the power to uphold it.

Ælnoth, who wrote the hagiography of King Cnut IV the Holy around 1120, asserts that the English hoped to return to freedom if they could induce the famous King Cnut to come to Britannia to revenge the murder of his friend King Harold. After several English envoys had begged Cnut for help, the saintly hero decided to equip a large fleet and issued a king's decree commanding his men to serve him. Both noblemen and commoners eagerly followed the king's command, and when the fleet was ready it sailed to *Vestervigen*. Here at the western part of the Limfjord, they waited in vain for the royal fleet to arrive. Twice they sent envoys to the king, who consulted with his wise men at Hedeby. Eventually when harvest was drawing near the king, through the agency of the noble and great men, allowed the fleet to dissolve and the men to return to their homes and take care of everyday business.⁵³ In Ælnoth's construction of the ultimately abandoned raid against William the Conqueror, the Danish fleet was equipped and assembled by royal order, albeit through great men's advice and intervention. The king seems to have been in absolute control of the military forces. The rebellion and murder of King Cnut IV were due to various reasons. This may be true. Still, whether it was Cnut's failed ambitions to challenge

⁵¹ *Passio*, pp. 319 ff.

⁵² *The Anglo-Saxon Chronicle*, p. 165.

⁵³ Ælnoth, pp. 346–352.

William the Conqueror with a mighty Danish fleet or the barbarian Jutes' reluctance to accept Cnut's pious attempts to impose Christian values on them, as Ælnoth thought, the sources provide us with absolutely no knowledge about the structure of the Danish fleet, the principles of mobilization, or whether or not it was a national fleet. The Jutes were certainly the first to rebel against the king, and later natives of Funen killed him, if Ælnoth can be trusted. No one from eastern Denmark seems to have been involved in the events. It is remarkable because the centre of power in Denmark from the time of Cnut's father, Sven Magnus, had moved from Jutland to Zealand and Scania. King Cnut donated land and privileges to the church in Lund four years after Lund became a bishopric, and seventeen years after he was murdered, Lund became the archdiocese of the Nordic ecclesiastical province in 1103.

In the chapter Tax it is mentioned that the *Chronicon Roskildense*, which was written some twenty years after Ælnoth finished the hagiography, suggests that there might have been a third reason for the rebellion and subsequent murder of King Cnut. The chronicle maintains that King Cnut IV tried to impose a poll tax (*nefgjald*) on the population, and claims that it was this measure that led to a rebellion and the assassination of the king.⁵⁴ Etymologically the word *nefgjald* was taken to mean poll tax in the chapter Tax. No one knows, however, the exact nature of this tax or whether this particular information in the chronicle is true or not, even though a number of speculations on the subject have been made by historians. One of these is a rather far-fetched theory connecting the *nefgjald* with the fine for neglect of military service in King Cnut's charter from 1085 mentioned above.⁵⁵ The source closest to the time of the events, the anonymous *Passio*, does connect the rebellion and assassination of Cnut IV with his unlucky attempt to summon a fleet and lead an expedition to England. Ælnoth had his own agenda as a foreign clergyman. Cnut "tried to promote the veneration of the Christian faith in his kingdom, but the untamed people's fury and inborn brutality delayed the execution of his intention ... They heard him, but they could not understand him because they preferred their own statutes rather than divine justice", wrote Ælnoth. Royal officials' abuse of their position was the spark that lit the rebellion among "the unrighteous, who considered it a shame to find themselves inferior to the king." They rebelled against the king and thus against God, according to Ælnoth.⁵⁶ Everything indicates that Cnut IV, like his predecessors and together with the

54 SM, vol. 1, p. 24.

55 Niels Lund, *Lid, leding og landeværn*, pp. 156–163.

56 Ælnoth, pp. 344–345, 353–354, 356.

circle of powerful men, was able to assemble large naval forces, but we have no information indicating that these forces came from all parts of the country or details about the mobilization of these forces. Nothing indicates that it was a popular mobilization or a national fleet.

During King Nils's long reign from 1104 to 1134, the Crown's military role and control of military resources may have consolidated, though it has been claimed that it is hard to determine the nature of this enhancement of royal power.⁵⁷ It is, indeed, hard to describe the nature of this consolidation, because it is difficult to find indications of a firmer and more elaborated royal grip on the national military resources at all. In the *Chronicon Roskildense* we have contemporary information that during the uprising that followed the assassination of his nephew Cnut Lavard, King Nils summoned all great men (*omnes meliores*) from the regions (*terris*) that were subject to him.⁵⁸ The nature of the Crown's control of the military resources is also illuminated by a royal charter to St Cnut's church in Odense. In this, King Nils claimed to retain the royal right (*de region iure*) to military service of the land he gave or might give in the future to the church in Odense.⁵⁹ Analogous to the previous interpretation of Cnut the Holy's charter from 1085, the military service referred to in King Nils's charter to the church in Odense was part of the land rent. It cannot be taken to be an indication of a nationwide public military service to the king. From the information in this diploma and the aforementioned *Chronicon Roskildense*, we must assume that King Nils, as a former Danish king, could summon warlords with military forces from those areas of the country the king dominated or alternatively attract warriors to his army by being a successful and charismatic leader.

It has been assumed that King Nils initiated a development of royal administration by relocating members of his guard into the provinces, in order to manifest the Crown regionally through local officials. One century later, Saxo argues that after King Nils had ascended the throne, he cut the number of his retainers (*militiam*) to six or seven in order to reduce the burden imposed on the realm.⁶⁰ These alleged savings have been interpreted as covering up the fact that the rest of the retainers were stationed as local royal officials.⁶¹ It is unclear whether these alleged representatives were officials or vassals. Further-

57 Niels Lund, *Lid, leding og landeværn*, p. 214.

58 *SM*, vol. 1, pp. 28–29.

59 *DD*, 1.2, no. 32.

60 Saxo 13.1.1.

61 Arup, *Danmarks Historie*, pp. 189–190; Fenger, *Fejde og Mandebod*, p. 357; Helge Paludan, "Flos Danie", *Historie/Jyske Samlinger*, n.s., 7 (Århus, 1966–1967), pp. 502 ff.

more, it is far from all the great men who appear in the sources, whose power can be reduced to reflect a delegation of royal power as an office or a fief.⁶² The sources covering the years under Nils's reign disclose an unprecedented gallery of great men with their own private military forces. It is not to say that there had previously been fewer such more or less autonomous warlords, only now they emerge more explicitly in the sources.

The most famous of them was the duke of Schleswig, Cnut Lavard, the later King Valdemar I's father. Another man with a powerful man was Eric of Falster (*Erico Falstrie prefecture*). Cnut Lavard was Eric of Falster's guest when Cnut was ambushed and killed in a nearby wood by King Nils's son Magnus in 1131. The alliance between Cnut Lavard and Eric of Falster is shown by the fact that Eric kept his position during Cnut Lavard's half-brother, King Eric Emune's reign (1134–1137) and also in King Eric Lam's time (1137–1146) after the defeat of Magnus and his father King Nils in the bloody battle at Fodevig in 1134, where the majority of the Danish bishops fell, if Saxo can be trusted.⁶³ The bishops probably took part in the battle as military leaders of their own private forces, or as commanders of the royal forces. *Chronicon Roskildense* reports that in 1133 Bishop Peder was the leader of a royal army.⁶⁴

It has previously been mentioned that Saxo described Skjalm the Hvide as the commander of the men from all of Zealand during Sven Magnus's reign. Skjalm Hvide was the ancestor of the renowned Hvide clan.⁶⁵ A member of this clan might have been Ebbe de Bastrup who probably had the massive stone tower built at Lake Bastrup in northern Zealand.⁶⁶ The stone tower at Bastrup belongs to a castle type which was widely used during the twelfth century, especially in France and England. In Denmark, the stone tower at Bastrup is unique, but a number of motte-and-bailey castles with wooden keeps presumably existed, based on the remains of the raised earthworks, the motte, that can be found in the landscape. Another indication of the existence of private castles in the twelfth century is Harald Kesje's castle just outside

62 This was demonstrated in Lars Hermanson's dissertation from 2000 presenting a groundbreaking alternative reading of the sources, primarily Saxo Grammaticus and charters from King Nils's time, pointing this out. Lars Hermanson, *Släkt, vänner och makt*.

63 Saxo 13.6.6, 13.11.11.

64 SM, vol. 1, p. 27.

65 Marianne Johansen and Helle Halding, *Thi de var af stor slægt, om Hvideslægten og kongemagten i Danmarks højmiddelalder* (Ebeltoft, 2001); Michael Kræmmer, *Kongemordernes slægt. Om Hvideslægten og den rolle i 1200-tallets konflikter mellem konge, kirke og adel* (Copenhagen, 2013).

66 Ebbe de Bastrup witnessed King Nils's charter to St Cnut's church in Odense. DD, 1.2, no. 34.



FIGURE 11 *The stone tower at Bastrup c. 30 km north-west of Copenhagen*
 BY KIND PERMISSION OF THE NATIONAL MUSEUM OF DENMARK,
 COPENHAGEN

Roskilde. Harald Kesje was Cnut Lavard's half-brother, who, according to Saxo's later report, had a private gang of warriors, which he equipped with "what he could take from the neighbours, and the gang's expenses, he covered with other men's cattle. All summer he spent with piracy, against countrymen [*ciuibus*] as well as strangers. His fortress he filled with a gang of the worst scoundrels among his warriors". After Cnut Lavard had been assassinated, Harald Kesje showed up at the thing in Ringsted to put forward a concerned appeal against the assassination of his brother. Before the murder another of Cnut Lavard's half-brothers, Eric Emune, and Harald Kesje had held back their hands over King Nils, but now they changed sides and rallied the people to revolt against the murderer, Magnus, and King Nils, whom they believed was his accomplice. After the defeat of King Nils, Eric Emune was elected king.⁶⁷ When he had gained the kingdom, Eric with anger in his heart "began to rage against his own

67 Saxo 13.4.1, 13.7.4, 13.8.2–3.

kinsmen" and had Harald caught and beheaded, Sven Aggesen claims with ill-concealed disgust.⁶⁸

Cnut Lavard had been raised together with Skjalm Hvide's sons and they, of course, were shocked when they heard that their foster brother had been killed. Consequently after the assassination of Cnut Lavard, the White clan changed sides against King Nils together with Peder Bodilsen.⁶⁹ According to the author of the *Chronicon Roskildense*, Peder Bodilsen appears as the ruler of Zealand. Peder Bodilsen had his own chaplain, Nothold, who later became bishop of Ribe.⁷⁰ In this respect he stood on an equal footing with the king and his son. Likewise the Bodilsen and the Hvide clans donated much land to various religious institutions.⁷¹ In the encounter, after the killing of Cnut Lavard, the great men from Jutland generally were on King Nils's side. An exception was a man named Christiern who summoned his friends and composed a band of warriors (*necessariorum manu*) to fight the king. When King Nils heard that Christiern had betrayed him he divided the troops he had gathered into two. The fleet under the command of Magnus challenged the newly elected rival king Eric Emune, while King Nils himself headed a land operation against the traitor Christiern and defeated him.⁷² Sven Aggesen claimed in the second part of the *Brevis historia regum Dacie*, from the 1180s, that Christiern was his grandfather, and that his father Agge, later saved King Eric Emune from being captured by King Nils in another battle, together with Biorn Ironside.⁷³ There is no obvious reason to distrust Saxo and Sven Aggesen's portrayal of the latter's grandfather and father as clan leaders commanding war-gangs of friends and families that changed side in the middle of an ongoing struggle between rival royal lines. Thus, several clan leaders and warlords, some of them lords of a castle, can be detected in the first half of the twelfth century.

The narrative sources give no detailed information on how the warring parties recruited their forces. This applies both to the kings' forces and the great men's forces. On the other hand, Sven Aggesen recounts a popular mobilization before the decisive battle at Fodevig in 1134. He writes that the always upright commons of Scania called together the entire forces of the land, and that these forces were well equipped and, according to Saxo, had no hesitation in meeting the entire Danish fleet assembled by King Nils. This national Scanian army

68 Aggesen, *Brevis historia*, p. 135.

69 Saxo 13.7.4.

70 SM, vol. 1, p. 26.

71 Hybel and Poulsen, *The Danish Resources*, pp. 167–168.

72 Saxo 13.9.2–4.

73 Aggesen, *Brevis historia*, p. 133.



FIGURE 12 *A son of Skjalm Hvide, Asser Rig, dead c. 1148, and his wife, Inge, donating the church at Fjenneslev to God. Fresco in the church in the village Fjenneslev, Zealand.*

BY KIND PERMISSION OF WWW.KALKMALERIER.DK

defeated the royal Danish army in a battle where Magnus and many bishops were killed. The king fled by ship to Schleswig where the burghers killed him. Sven Aggesen argued that popular mobilization and action was crucial for the final outcome of the strife. In Saxo's account, the popular element only applies to the Schleswig burghers' killing of King Nils. Saxo argued that Eric Emune went to Lund six months before the battle at Fodevig, and took the supplies that were collected for King Nils. Consequently, Nils had to collect new provisions of victuals from the population of Zealand before he anchored at Fodevig the following summer with the entire Danish fleet to meet Eric and the Scanians in battle.⁷⁴

After a new king had taken over, it was customary for the religious institutions to have their title to the land and the privileges they had been given confirmed by the new kings. An increasing number of such confirmation charters have been preserved through the twelfth and thirteenth centuries. It also became increasingly common for newly appointed kings to issue new donations. Still, only one charter issued during Eric Emune's short reign (1134–1137) and his successor Eric Lam's time (1137–1146), sheds light on how developed the royal prerogative to dispose of the country's military forces was towards the middle of the twelfth century. In 1140, Eric Lam granted St Peter's monastery in Næstved a privilege and commuted the *expeditio*, that the townsmen of Næstved and the monastery's other men (*et ceteros colonos monochorum*) were liable for, into a transport duty. The privilege was requested by the Bodilsen brothers who founded the monastery. The charter merely indicates that the royal town lord expected military service or perhaps a tax from his urban subjects. It certainly cannot per se be interpreted as a sign of a nationwide military service or tax imposed on both urban and rural populations.⁷⁵

We have no detailed narratives at all about the recruitment of royal armies during King Eric Emune and King Eric Lam's reigns. The first was killed by a Jute of noble lineage. The latter gave up the throne and spent the rest of his life in a monastery, where he died.⁷⁶ After the death of Eric Lam the people were divided concerning the election of a new king. In Jutland, Cnut Magnusen, king Nils's grandson, and on Zealand, Sven Grathe, Eric Emune's son, agitated to be elected. Cnut was made king at the Viborg thing in Jutland and Sven was elected by the Zealanders supported by the Scanians. This double kingship sparked a ten-year-long conflict, during which Cnut Lavard's son, Valdemar, got hold of

74 Ibid. pp. 134–135; Saxo 13.11.7–14.

75 *DD*, 1.2, nos 64, 78.

76 Saxo 14.1.13, 14.2.3; Aggesen, *Brevis historia*, pp. 136–137.

his father's fief (*feodo*), Schleswig. In the beginning of the conflict Valdemar gave assistance to both Sven Grathe and Cnut Magnusen in turn, as if he stood between them, but in the end he pulled the longest straw. This conflict is per se an indication of the Crown's inability to rule over war and peace at a national level in the middle of the twelfth century.

Although we have a much broader variety of sources from the late eleventh and early twelfth centuries, the image of the structures of power and warfare generally does not vary much from the one that the Frankish annals gave us when reporting upon the negotiations at the River Eider in 811 and the conflicts between the Northmen's kings. Kin and mutual friendship between the king and his retainers of great men with private armies was continuously the core of the military system. Royal power rested on family solidarity and friendship between major and minor warlords with common interests, or alternatively dominance between these parties if conflicting interests stood in the way of joint military actions. "Whether there before the middle of the twelfth century existed an idea of a public army the king can invoke to the benefit of the kingdom, as distinct from the forces that kings, pretenders, and other magnates could gather for private purposes is still an open question", it has been asked.⁷⁷ The present study has found no indication that such a mindset existed before 1150, let alone indication of the actual existence of a public army.

In Saxo's detailed account of the decade-long conflict that broke out after Eric Lam's death in 1146, the composition of the warring parties' military forces and the motives for and the means to achieve alliances and military support are well described. It is, of course, a strongly biased account because Saxo's principal, Absalon, and his close friend and foster-brother, Valdemar, took part in the conflict. On the other hand, for that reason Saxo was presumably quite well informed about the course of action, which other sources only enlighten parts of. The basic structural military element during this long struggle was the contending parties' private forces. After Cnut Magnusen was elected king of the Jutes he went to Zealand and then to Scania with his warriors.⁷⁸ The *privates armis*, as Saxo put it, were supplemented by the forces of lesser warlords. According to Saxo, some of Jutland's distinguished men, who were also known as unique warriors, joined Sven with two longships. With them by his side, and also supported by Archbishop Eskil of the mighty Jutlandic Trundsen family, Sven met his rival Cnut in battle near the village of Taastrup on Zealand.⁷⁹ The

77 Niels Lund, *Lid, leding og landeværn*, p. 224.

78 Saxo 14.3.3.

79 Ibid. 14.3.13.

motives of great men for supporting one or the other pretender were obviously personal, political, and/or economic in nature.

Training could, however, also be a motive. According to Saxo, "Valdemar, Cnut's [Lavard] son, joined Sven to learn the craft of war in his service". Sven had previously served the German emperor Conrad for the same reason together with Conrad's successor, Frederick Barbarossa.⁸⁰ However, Valdemar joined Sven not only to learn the craft of war, he also had a revenge motive because Cnut's father had killed his father. In addition, Sven handed over the fief of his father to Valdemar. But neither kinship nor Sven could secure Valdemar the duchy of Schleswig. He had to win it by defeating a rival who claimed Schleswig as a fief of Cnut. Sven on his side also gained from this alliance with Valdemar. The recruitment to Sven's army greatly increased because of Valdemar's popularity. Sven likewise gained political advantages from Valdemar's former acquaintance with Frederick Barbarossa, when the German emperor became involved in the dispute over the Danish throne.⁸¹ However, sometimes cash payment was needed to obtain military support. Thus, Duke Henry of Saxony was paid 1500 marks of silver to assist Sven in his fight against Wendish pirates. Sven later promised Duke Henry an enormous sum to invade Jutland in order to help Sven back on the throne, and Cnut promised the burghers of Viborg and the inhabitant of Little Frisia (*Frisiam minorem*) exemption from taxation if they fought on his side.⁸² The prospect of financial gain by war service has by all accounts been an important means of recruitment of warriors for the private armies. Financial gain was even a motive for recruitment to the democratically organized defensive preparations against pirates, initiated by a man named Vedeman in Roskilde. Reportedly this popular defence organization was gradually supported by virtually the whole of Zealand. The prospect of looting was probably also a contributory motive for joining other popular provincial forces, but we know little about who was in power to mobilize such military forces except the incidents mentioned above, when burghers and the Frisians had taxes commuted to military service.

It goes without saying that the fighting absorbed heavy military spending for the combatants, which, according to Saxo, they tried to meet in a number of ways. One way was, of course, to rob and steal by raiding the premises of the men who had gone over to the enemy. Sven had, at one point, spent his entire fortune on the war. He fortified Viborg, built castles at the Great Belt,

80 Ibid. 14.4.1, 14.8.1.

81 See chapter, *Marca, feudum*, and Sovereignty.

82 Saxo 14.4.4, 14.7.2, 14.15.6, 14.17.1.

and it was very expensive to feed the army.⁸³ For example, when Sven and his army awaited the enemy in Roskilde food shortages forced him to sell out of the Crown's villages (*uicos*) to recoup the expenses. Eventually he had spent a large part of his estate, and the cost of the army gradually seems to have become such a burden that he had to send the men home. Archbishop Eskil foresaw that they would go over to the enemy. Therefore, Eskil made an agreement with the enemy that he would receive a huge reward if he deserted himself. Then Eskil, together with other Scanians, made complaints about the lack of victuals. Eskil advised the king to send away in particular the men who were in danger of violating the laws of piety and relationship ("presertim pietatis ac necessitudinis iura"), if they had to fight fellow citizens (*ciues*) and relatives (*propinquos*). By this advice Eskil thought he had explained his betrayal, when he and his Scanian troops left the king, according to Saxo. A great part of Sven's army scattered and he fled with the remaining troops to Falster where the army was dissolved and Sven went into exile in Germany. When he later paid off Duke Henry to help him back to Denmark and Henry took Schleswig, Saxo tells that Sven on this occasion raided a visiting Russian fleet and handed the items he stole to his warriors as pay. It heralded the decay of Schleswig from an important commercial centre to a small hamlet. According to Saxo, Sven had frightened foreign merchants from operating in the city.⁸⁴ The feuding warlords financed the provisioning of their armies, the pay of the warriors, and their alliances on various levels from lesser warlords to the duke of Schleswig in various ways, and economic gain alongside political motives were important reasons for men to join the armies. However, men also took up arms and volunteered for the armies for other reasons.

The consequences of friendship, local patriotism, and family have just been hinted at. Personal charisma, loyalty, and honour were important too, sometimes conflicting with more profane pecuniary and political objectives for taking up arms. We have seen Saxo stressing Valdemar's popularity. Maybe this is merely an image he wanted to attribute the friend and foster-brother of his principal. Still, charisma was indeed an important quality for political and military leaders to possess. Evidently a charismatic character was not enough to attract and attach men to warlords. Neither was it sufficient to apply the title of king to a warlord, notwithstanding all the sacral and ideological implications of this title.⁸⁵ When Sven Grathe, for example, summoned his men at

83 Ibid. 14.5.1, 14.5.5, 14.5.7, 14.6.1.

84 Ibid. 14.16.8–11, 14.17.1.

85 See chapter, *A speculum regale*.

the royal castle in Odense and asked them, both as a group and individually, how far he could trust them in the coming war they responded enthusiastically, but the king was not satisfied with promises. He urged them to take an oath of allegiance. King Sven's authority was directly challenged, after Valdemar had changed side in Cnut's favour and sent two men, Sakse and Buris, off with a naval force to split Sven's fleets. Saxo tells that "the Zealanders were persuaded by these two authoritative [*auctoritatibus*] men to sail back home, for they placed more emphasis on serious words from friends than on the orders of the king and would rather desert him than fight them. The men of Funen in return had more respect for the king than for private [*priuatorum*] individuals".⁸⁶ Saxo was very well aware of the conflict between local patriotism and royal authority and he noted that "those who are seized by local or private [*private*] disagreements cannot be united in wider public [*publica*] alliances".⁸⁷

The discrepancy between paid military service, on the one hand, and friendship, family, and local patriotism, on the other, is a theme in Saxo's work. When Archbishop Eskil urged King Sven in Roskilde to send the men away because he could not provide for them, Eskil was especially worried about the men who risked breaking the laws of piety and relationship if they were confronted in battle with fellow citizens and relatives on the other side.⁸⁸ Provincial patriotism is another characteristic theme in the *Gesta Danorum*, though sometimes the men from a province were divided between the warring kings.⁸⁹ In general provincial patriotism seems, however, to have been so prominent that it sometimes resulted in animosity between men from different parts of the country. In April 1147, the pope issued *Divina dispensatione* at Troyes giving papal authorization for the crusade against the Slavs.⁹⁰ According to Saxo, the Danes would not neglect their common duty towards the common church for the sake of their private war. Therefore, Cnut and Sven exchanged hostages and brought the mutual hostilities to a standstill and turned against the common enemy. The Jutes were under the command of Cnut and the citizens of Hedeby (*Hetbienses*), the Zealanders, and the Scanians under Sven's command. The Scanians were placed in the front line, where they were defeated almost to the last man to the amusement of the Jutes, who did not expect those who stood under another

86 Saxo 14.16.4–6, 14.19.6.

87 Ibid. 14.3.6.

88 Ibid. 14.14.16.8.

89 Ibid. 14.3.10.

90 Jonathan P. Philips, *The Second Crusade: Extending the Frontiers of Christendom* (Bury St Edmunds, 2007), p. 134.

commander to be their allies. The Jutes had also not forgotten their defeat to the Scanians in the Battle of Fodevig.⁹¹

In Saxo's eyes, Denmark was at some point during the conflict a country in disintegration: at home the war between the provinces of the confederation ravaged ("sociali bello flagrante") and from outside the pirate scourge reached new heights.⁹² It was a war between provinces subsidiary to members of the royal dynasty supported by provinces or parts of provinces. The core military units were private armies in many cases joining into broader composite, provincial forces sometimes supported by German mercenaries. In Norway, according to Saxo, there was an ancient law prohibiting the use of foreign mercenaries against your own country. The penalty for this crime was forfeiture of property.⁹³ There is no mention of a similar Danish law in connection with King Sven's use of German mercenaries.

Even though mobilization of public forces was not a royal prerogative in the middle of the twelfth century, Saxo considered popular mobilization against authorities lese-majesty. In Scania, each time the population felt the burdens imposed on them to be unbearable, the people rose against injustice with force, he claims. Saxo seems to be right so far as it was not the last uprising in Scania, when the Scanians were called to thing under arms. King Sven was afraid that the rising would spread to the rest of the country and confronted the thing in Arnedal with a reassuring force of warriors. Although one of the Scanians calmed things down and made the peasants dissolve the assembly, the king destroyed numerous villages and terrorized the whole province. He deprived the masterminds of the rising of life or property, even Toke who had helped the king.⁹⁴ According to Saxo, King Sven later called out the population (*populo*) from Zealand and Scania by edict and thereby mixed his private army with the public forces ("priuatis armis publica miscet").⁹⁵ It is not the first time Saxo makes the distinction between private and public war. In Cnut Lavard's plea against King Nils's accusations, distinction is also drawn between Cnut's private war achievements and his efforts in public war on King Nils's side.⁹⁶ We do not know what exactly Saxo meant by the public forces of Zealand and Scania, and no more what King Nils's public war implied in respect to recruitment, regional composition, etc. In the first passage *publica* might refer

91 Saxo 14.3.5–6.

92 Ibid. 14.5.1.

93 Ibid. 14.2.5.

94 Ibid. 14.13.1.

95 Ibid. 14.19.4.

96 Ibid. 13.5.11.

to some kind of popular mobilization. In the latter *publica* merely seems to refer to the authority of the king. Neither these two passages in Saxo's work, nor any of the other sources studied above, give reason to believe that there was a national, public army that the king could invoke to the benefit of the kingdom before the middle of the twelfth century. Nevertheless, the idea of a public army was inherent in Saxo's distinction between private and public wars and armies when he wrote the *Gesta Danorum* half a century later.

Towards a Public Army?

Command of public forces was still not a royal prerogative when Valdemar became sole king in 1157 as ultimate victor of the decade-long *socialis bello*. He wished to begin his reign with a valiant military achievement. Therefore, he sailed with the public fleet (*publica classe*) to Masnedø in order to attack the Wends, but the senior warriors did not agree with the plan. Because the core of the Danish army was gathered in the fleet, a possible defeat would cause the loss of so many noble men that it would bring the country close to disintegration. The assembly agreed and the king was forced to call off the expedition.⁹⁷ This passage in *Gesta Danorum* suggests that the command-bearing structure in the army consisted of the country's great men. Valdemar's expedition to Norway also failed because of disagreements between the king and certain Jutlandic magnates. Although the expedition reached so far north, that "at the summer solstice they experienced unusually bright nights", a few Jutlandic men had the expedition called off and thus prevented Norway remaining in Danish hands, according to Saxo.⁹⁸ During the renowned expedition to Rügen, Bishop Absalon, King Valdemar, and the magnates negotiated the peace treaty with the citizens of Arkona on favourable terms for the leaders, but when the army heard that the agreement meant that they missed their rewards from sacking the town, the army mutinied, and once more the king had to seek the magnates' advice and support.⁹⁹

The king did not have absolute right and power to make decisions regarding war and peace. The army as a decision-making body appears later when it was decided to make Valdemar's son, Cnut, co-regent. "Now the *principes* decided ... to give Valdemar's son, Cnut, the title of king". Valdemar agreed and "he

97 Ibid. 14.20.1.

98 Ibid. 14.38.1–8.

99 Ibid. 14.39.24–28.

arranged therefore a thing where he made the *principes* give his son the title of king. The whole army agreed”, except Valdemar’s relative, Buris. Later Buris was, like all other Danish *principes*, ordered to swear the oath of fealty to Cnut. They all did so except Buris, who argued that “traditionally no Dane could pledge to two lords, only the greedy Saxons did so. If war broke out between two lords, who were entitled to the same man’s obedience, the warrior could not possibly maintain his allegiance to both”.¹⁰⁰ Saxo apparently considered the army synonymous with the magnates who also elected the king.¹⁰¹ Saxo saw the relationship between the king and the individual members of the army as a bond of allegiance between king and retainer, even though the body of retainers, the army, was the ultimate decision-making body. The king could take initiatives but no major final decisions. This status on decisions of war and peace is similar to the one seen in legislation in the chapter on law, justice, and constitution.

Saxo’s distinction between private and public armies at this point in his account is a distinction between the king’s and the magnates’ private armies composed of their armed retainers, and the assembly of several of such private armies—the armies of the provinces and the association of these in the national army. In military terms, the king was king as leader of the association of several private armies—one or more provincial armies and the national army. But the king had no absolute right or power to make major decisions on behalf of the public armies. The right to command the military forces was not yet a royal prerogative, even if Saxo wanted it to look like it was. His account of the aftermath of Valdemar I’s enthronement as sole king in 1157 and the rebellion in Halland and Scania in the years 1180–1182 are spectacular demonstrations of how private armies and popular mobilization could put the throne and the unity of the realm at risk. After Valdemar’s victory over his rival Sven Grathe in 1157, there was still turmoil over the next decades in the abhorred parts of the aristocracy. Prince Buris, based in Jutland, tried to steal the throne in 1167 with the help of the Norwegian king, and Magnus Erikson, together with Archbishop Eskil’s nephews Cnut and Charles, were behind a series of assassination attempts on the king. Cnut and Charles’s efforts to usurp power ended with a campaign in Scania in 1179. After this, King Valdemar and Archbishop Absalon’s power seemed to be secure, and the members of the clique of Zealand magnates that Valdemar and Absalon rested their power on were

100 Ibid. 14.33.1–3.

101 See also chapter, *A speculum regale*.

installed as bailiffs in Scania.¹⁰² Traditionally historians have seen the subsequent rebellion in Scania as initiated by the local magnates against nepotism and misrule by the mentioned coalition of Archbishop Absalon, King Valdemar, and their proselytes, but a strong element of popular discontent and participation in the rising is, indeed, included in Saxo's narrative. It has even been argued that the direct cause of the rebellion was peasant resistance to new labour obligations demanded by the archbishop rather than the magnates' dissatisfaction with the Zealand bailiffs. It has been held that it predominantly was a peasants' rising which also led to the burning of manor houses owned by the archbishop and his friends and family, including some Scania magnates.¹⁰³

Private armies were a constitutive element in the military structure in Denmark throughout the Middle Ages,¹⁰⁴ while it is debatable in what sense one can speak of a public national army before 1300. Absalon was made bishop of Roskilde soon after his foster-brother Valdemar became king, but it did not stop him from acting just as much as a pirate who restored the *patria*. In his first encounter, he defeated a Wendish force of twenty-four ships together with his *clienta* of eighteen warriors only. Later Absalon's private force is called *domestios milites*. Bishop Frederick of Schleswig received a hard fate. He took part in an expedition against the Wends but was shipwrecked in a storm and died along with nearly all his companions (*socii*s). Two noble men from Halland had a ship in common with which they participated in an expedition, and the husband of Valdemar's niece participated with two ships in another expedition against the Wends, while a ship-owner by the name of Rane neglected participation.¹⁰⁵

Saxo gave his principal Absalon credit for the restoration of the *patria* due to his brave efforts to stop Wendish piracy. In contrast to this, the lead sheet which was placed in Valdemar's grave in St Bendt's church in Ringsted states that Valdemar was "the first conqueror of the Wends. The liberator of the country".¹⁰⁶ This effort is a major cause of a historiographic tradition seeing Valdemar's reign as a golden age for the Danish Crown. Paradoxically the

102 Saxo 14.28.5, 14.33.2–4, 14.54.1–37.

103 Poul Holm, "De skånsk-hallandske bondeoprør 1180–82", in *Til Kamp for Friheden. Sociale Oprør i Nordisk Middelalder*, eds Anders Bøgh, Jørgen Würtz Sørensen and Lars Tvede-Jensen (Aalborg, 1988), pp. 72–89.

104 Jeppe Büchert Netterstrøm, "Feud in Late Medieval and Early Modern Denmark", in *Feud in Medieval and Early Modern Europe*, eds Jeppe Büchert Netterstrøm and Bjørn Poulsen (Aarhus, 2007), pp. 174–187.

105 Saxo 14.21.1–4, 14.23.15, 14.23.28, 14.27.2, 14.39.36, 15.1.1.

106 *Danmarks Kirker*, Sorø Amt, half-volume 1 (Copenhagen, 1936), p. 163.

main source of the history of the expeditions against the Wends, Saxo's *Gesta Danorum*, gives a different picture. It shows that the king did not master the country's armed forces. Saxo's descriptions of raids against the Wends indicate that participation was based on assessments of the risk, weighed against the prospect of recovery and the security of the home that an expedition against the feared and hated enemy could bring. Participants had to see their own advantage in participating, and not all gained equally from going to war. Saxo gives much credence to the Zealanders' willingness and ability to go to war. The Scanians were acceptable, while the men from the southernmost islands in the Baltic Sea, Falster and Lolland, were rather untrustworthy. The king and his counsellors could not even share their war plans with these men out of fear that they secretly informed the enemy. That Saxo understood their treacherous behaviour, because they were exposed to Wendish attack and might therefore reveal the plans to the Wends out of fear, is another matter. It was not any different regarding the men from Jutland and Halland. They were not always invited to participate, and when they attended, they ran scared when the fortunes of war were not immediately obvious to them. During the campaign in Norway around 1165, King Valdemar had to use his personal followers to bully the Jutes to force them to follow his plans. Eventually, however, the Jutes got their way and the expedition was called off. "Thus, a few impatient Jutes managed to put high hopes for victory in the gravel", according to Saxo. The Jutes troubled the king throughout his reign and were in the end literally a nail in the king's coffin. Under King Valdemar's last expedition against the Wends they appear to have been a key reason for the fleet being dissolved because of fear of mutiny, and this episode supposedly exacerbated the illness that led to his death.¹⁰⁷ Saxo speaks about provincial forces—*iturum classem, Scanienses equestri militia*, etc.¹⁰⁸ The trick was to unite these forces with a view to the looting that characterizes Saxo descriptions of the Danish raids against Wendland. His account of warfare during Valdemar's reign suggests a kingship without absolute power over the national Danish forces.

The defence of the realm was not entirely in the hands of the king alone. Still, Valdemar was praised as the conqueror of the Wends, the preserver of peace, and the liberator of the country according to the aforementioned lead sheet that was placed in his grave in Ringsted church after his death in 1182. Here, it is emphasized that he reinforced the Dannevirke with a wall of burnt bricks and built a castle on Sprogø in the Great Belt between Funen and Zealand. On the

107 Saxo 14.38.1–9, 15.6.1–12.

108 Ibid. 14.34.6, 14.36.1.



FIGURE 13 *Valdemar's Wall, Dannevirke*

BY KIND PERMISSION OF ARCHÄOLOGISCHES LANDESAMT
SCHLESWIG-HOLSTEIN, SCHLESWIG

Zealand shore of the Belt a castle was built at Korsør. On the south coast of the island, at the belt between Zealand and Falster, at Vordingborg, another castle was possibly erected during his reign. Perhaps other ancient royal castles can be traced back to Valdemar I, but otherwise are dated to his sons and successors Cnut VI (1182–1202) and Valdemar II (1202–1241), who in the first four decades of the thirteenth century had many castles built on the borders.¹⁰⁹ According to Saxo, it was Bishop Absalon, as leader of the Zealanders, who defeated an attacking Norwegian army and had a new castle built at Copenhagen as a base in his effort to fight piracy. Esbern, the brother of Absalon, built Kalundborg at the bottom of a fjord in north-western Zealand and cleansed the region of hostile pirates.¹¹⁰ Absalon and Esbern were, however, strong royal supports

109 Niels Skyum-Nielsen, *Kvinde og Slave. Danmarkshistorie uden retouche 3* (Copenhagen, 1971), pp. 160–162. Rikke Agnete Olsen, *Borge i Danmark* (Herning, 1986), pp. 33–35.

110 Saxo 14.34.6, 14.35.1, 14.39.49.

and counsellors—as such they should be considered as part of a royal power, which during Valdemar I's reign took over the former private castle Søborg, and organized the defence of the realm.

Private armies appear continuously in the sources from the reign of Valdemar's two sons and followers. One example is the reference in various annals that Ebbe and Lars Suneson and their men went to Sweden in 1208, to support Ebbe's former son-in-law, Sverker, in his fight for the Swedish throne. The same year, King Valdemar II was at war in Germany.¹¹¹ After he had conquered Boizenburg, he sent his army (*milites*) on to Braunschweig to help the German king Otto IV against Phillip of Schwaben.¹¹² A private army was sent to Sweden to support a friend of the family while the king took care of his military and political interests in Germany. The royal army was apparently not based on a nationwide supply of national servicemen. The king had his own army, like the country's other big men. If there was a national army it consisted of the king and the magnates with their subordinate warriors. In addition, a national army could benefit from resources in terms of commuted military services—*qwær sæth*, as this levy is called in the Law of Jutland from 1241.¹¹³ Fines for neglect of military service were found in the royal charter from 1085, and later in a charter from 1140 it was stated that the king commuted the *expeditione* for which the townsmen of Næstved and the St Peter's monastery's men were liable. Around 1160, King Valdemar I not only handed over *colonos* to the monastery at Veng, but also the royal right these peasants were liable to, called *leding* in Danish (“que Danice leyding nuncupatur”), when a military campaign was launched.¹¹⁴ Whether the latter peasants performed actual military service or this was commuted to some kind of rent cannot be decided, but the charter indicates that peasants were liable to military duties to their religious landlords on equal terms with peasants living on land belonging to the Crown.

In this context, it appears a military reform was introduced around 1170, if Saxo can be trusted. Further, he informs us that even after Rügen had been conquered “piracy was still a plague in every corner of our waters”. Consequently

111 *Annales Valdemarii, Annales Nestvedienses minores, Annales Sorani AD 1268, Chronica Sialandie, Annales Ryenses, Annales Ripensus, Annales Essenbecenses, Chronica Jutensis, Annales Dano-Svecani, Danmarks Middelalderlige Annaler*, ed. Erik Kroman (Copenhagen, 1980), pp. 77, 85, 104, 110, 169, 231, 259, 270, 278, 285, 303.

112 *Annales Sorani vet., Danmarks Middelalderlige Annaler*, ed. Erik Kroman (Copenhagen, 1980), p. 91.

113 Niels Lund, “Kværsæde fast demobilisering eller almindelig ledingsafløsning?”, *HT 2* (1999), 376–378.

114 *DD*, 1.2, no. 123.

“the Danes devised the clever scheme that the fleet should be mustered and every fourth ship selected to be on guard against pirates as long as the season allowed it. In this way, a small group with a little extra energy would work for all ... For this task was chosen primarily unmarried young men so that longing for the wife would not weaken the warriors’ perseverance in the service”. Absalon and Christopher, Valdemar’s son, were given command of them and they patrolled not only the home waters but also the shores of Rügen and the rest of Wendland.¹¹⁵ It is tempting to link this military system with the contemporary and quite extensive castle building mentioned earlier,¹¹⁶ but Saxo does not directly mention that it was the king who launched this scheme, only that command was given to his friend and his son. Neither does the probably contemporary King Valdemar’s Law of Zealand mention anything about the king’s right to dispose of the fighting forces of the realm. This law in fact does not include military law at all.¹¹⁷ Moreover, we have not detected any changes in the way war campaigns were organized after the 1170. It is doubtful whether this new way of organizing the military structures, described by Saxo, changed much of the prevailing conditions. The king at least still had no right to organize and command the kingdom’s military forces. So far as he managed to muster a national army it did not consist of conscripts, at least.

Military Law

On the other hand, the provision in the so-called reform of the expeditions or the army,¹¹⁸ stating that every fourth ship should be in permanent service, is reminiscent of a provision in a supplement to the Law of Scania entitled *Thettæ er lethingss ræt*. The supplement limits the obligation to engage in foreign war expeditions (*utganzlething*) to every four years, unless a hostile army threatens the country. The law also states that each unit of mobilization (*hafnæ*) was not under obligation to render more than three marks.¹¹⁹ Saxo’s account of the military reform around 1170 appears to be defensive in nature, which could raise expeditions to both the shores of Rügen and the rest of Wendland. Therefore, and because, according to Saxo, the majority of the wars

¹¹⁵ Saxo 14.39.49.

¹¹⁶ Aksel E. Christensen, “Tiden 1042–1241”, pp. 342–344.

¹¹⁷ See chapter, Law, Justice, and Constitution.

¹¹⁸ Aksel E. Christensen, *Danmarks Historie*, p. 343; Niels Lund, *Lid, leding og Landeværn*, p. 235.

¹¹⁹ *DGLK*, vol. 1.2, p. 817.

the Danish kings fought were decidedly defensive or preventive wars, and consequently in accordance with the contemporary concept of just war and the king's right to wage these wars,¹²⁰ one should probably not put too much emphasis on the concept *utganzlething*, i.e. foreign war expeditions, in contrast to the clearly defensive new military system mentioned above from around the 1170. The similarity of the defence reform's requirement that every fourth ship should participate each year and the requirement of the supplement to the Law of Scania is striking.

This particular supplement to the Law of Scania is handed down in two manuscripts, of which the oldest is from 1460. The origin of the supplement is disputable. It has been argued that the supplement was perhaps written down concurrently with the Law of Scania and at the time as Saxo wrote the *Gesta Danorum*, i.e. the first decade of the thirteenth century,¹²¹ but it has also been dated to the second half of the century.¹²² The crucial position of the king in this rather concise law on the organization of the fleet and the call for conscripts might speak for dating the supplement later than the Law of Scania. Conscripts are also an essential part in Saxo's contemporary account of the new military system devised "by the Danes" around 1170 though. As mentioned above, the king's role was dubious in Saxo's new military system. According to the supplement of the Law of Scania, the king's bailiff (*gælkæræ*) or another royal official must order the mobilization of foreign campaigns at the provincial thing. Provisions and mobilization of the fleet is legally organized in such a way that all men in each of the ports (*haffnæ*) which fall within the military unit of the *schipæn* are obliged to bring supplies to the organizer and captain of the ship, the *styrisman*, who was to lead the expedition for sixteen weeks. One man from each port or his son must go with the *styrisman*. The king would procure ships through his ombudsman. In the event that the *styrisman* owned the ship, he should request the king to pay for the lease of the ship.¹²³

120 The lawyer Franciscus Accuriscus, who was contemporary with Saxo, believed that there were two kinds of just war: the wars the emperor led and defensive wars, because everyone had the right to defend themselves. Ryan Greenwood, "Sovereignty and War in Medieval Roman Law", *Law and History Review* 31.1 (2014), p. 41.

121 Saxo completed the *Gesta Danorum* c. 1208–1216. Friis-Jensen and Zeeberg, *Saxo Grammaticus*, vol. 1, p. 31.

122 Adolf Schüick, "Kring et dunkelt stadgande i den skånska ledungs-rätten", in *Afhandlingar tilegnade arkivmanden og historikeren, rigsarkivar, dr. Phil. Axel Linvald af nordiske fagfæller på halvfjerdsårsdagen 28. januar 1956*, eds Johan Hvidtfeldt and Harald Jørgensen (Copenhagen, 1965), pp. 311–312; Arup, "Leding og Ledingsskat", pp. 144, 232 ff.

123 *DGLK*, vol. 1.2, pp. 817–818.

Similar provisions can be found in the Law of Jutland from 1241. This law contains a detailed military law, for the first time in Danish sources. It is disputable whether the law was intended as a national law.¹²⁴ This question cannot be determined with certainty, but the third part of the Law of Jutland, which deals with military law, provides a description of a fully-fledged public army. The twenty chapters on military law make up a functional entity.¹²⁵ The first six chapters describe the practice of mobilizing the common servicemen, followed by two chapters with rules for how the religious and lay lords fulfil their military obligations. Chapters nine to twenty set out rules for the distribution of actual or commuted military service imposed on land owned or leased by monks, priests, and peasants. The law text is contradictory for a number of issues and some of its basic concepts are vague and open to interpretation. A comprehensive research discussion about the rules of the *leding* has consequently been going on since the 1830s.¹²⁶ Taken at face value the twenty chapters on military law in the third book of the Law of Jutland reflect a military system with a conscript army of peasants (*hafne bondæ/brother*), a standing army of lay and religious lords with followers, and provisions for a war tax. Whether the later provisions in chapters nine to twenty are concerned with the distribution of military service and/or war tax is disputable. The argument that it was war tax is based on rather subtle terminological distinctions,¹²⁷ and the fact that fines for neglect of and commuted military services can be found in early Danish sources. In support of this reading it has been argued that *King Valdemar's Survey* from c. 1230 lists the royal income of *leding* from various towns, and that King Abel's ordinance from 1251 prescribes the fine for neglect of military service.¹²⁸ Still, it cannot be decided whether or not chapters nine to twenty in book three have to do with commuted military service, a war tax.

The provisions concerning warfare in the Law of Jutland present a military law embracing all military forces of the realm by royal government. Thus, the law orders that the king's and the bishops' men, "whether they have one or more manor houses [*bo*] are liable for bearing full arms at their own expense and take their pay [*takæ theræ maal*]". The king is entitled to enlist men from all over his realm and the duke can equally do so in his duchy. By way of contrast, the king's children, friends, and counts have no right to engage men except in their own

124 See chapter, Law, Justice, and Constitution.

125 Hans Chr. Bjerg, "Ledingsbestemmelserne i Jydske Lov", in *Jydske Lov 750 år*, eds Ole Fenger and Chr.R. Jansen (Viborg, 1991), p. 183.

126 Ibid. pp. 183–184, note no. 1.

127 Ibid. p. 183.

128 *DDR*, pp. 43 ff.

jurisdiction or fief (“theræ eghnæ reet æth theræ læn”). Nor may the bishops recruit men outside their diocese.¹²⁹ This feudal mindset leaves its mark on the preceding six chapters on the organization and mobilization of the common service men too.

Chapter three prescribes that the organizer of the mobilization and captain of the warship is fined by the king if he claims more than nine bushels of rye from each port (*hafnæ*), if he is a *styræs man*. If he is an *vmboz man* he shall lose his office (*lææn*). The mobilization of common conscripts and organization of provisions for war locally were in the hands of either a royal provost (*vmboz man*) or a so-called *styrisman*. According to chapter five, the latter collected the fines from the peasants if they failed to come when the ship was to be set afloat or pulled ashore when it returned, and if any peasant neglected his contribution to the ship, its equipment, purchase of shields and provisions, the *styrisman* was entitled to confiscate the neglector’s cattle, according to chapter six.¹³⁰ According to the supplement on expedition of the Law of Scania the *styrisman* received every fifth penny (*pæningh*) of every three marks which was the rightful contribution of each port (*hafnæ*).¹³¹ So there were revenues related to the duties of the *styrisman*. It was a hereditary assignment from father to son and vice versa and between brothers born in lawful wedlock. If there was no lawful successor, then the king would inherit the assignment (*styræs hafnæ*) according to chapter twenty in the Law of Jutland.¹³²

To sum up, the supplement regarding expedition of the Law of Scania and the Law of Jutland regulates how often military campaigns could be imposed on the population and the king’s right and obligation to call for additional expeditions. The military campaigns were organized either by the local royal provosts or so-called *styrismen* with an economic interest in the mobilization and execution of military campaigns. Being a *styrisman* was a hereditary assignment, and it was inherited by the king if the *styrisman* had no legitimate sons. The organization of the *lething* was in other words either in the hands of local, royal officials, ombudsmen, or *styrismen* with a status similar to royal vassals.

The question is, however: to what extent this legislation was wishful thinking, or is evidence of actual royal control of the country’s armed forces? Laws are normative sources. Do they institutionalize the existing state of the law? Are they attempts to establish new laws? Or are they merely meaningless repetitions of old laws that may have been repealed? Laws can create new norms as

129 *DGLK*, vol. 2, pp. 371–373.

130 *Ibid.* pp. 363–370.

131 *Ibid.* vol. 1.2, p. 817.

132 *Ibid.* vol. 2, pp. 393–394.

well as conserve norms, even norms in reality long gone.¹³³ The supplement of the Law of Scania and the first twenty chapters of the third book of the Law of Jutland are the first laws dealing with military law and the latter is perhaps the first proper law, i.e. a law given by the king and agreed upon by the people, as the preface of the law claims.¹³⁴ This might speak in favour of the Crown's increasing control of the military forces of the realm, but it is impossible to determine whether it was the case when the laws were written down.¹³⁵ Therefore, we have to bring in other types of sources in the attempt to establish a realistic image of the state of royal control of war and peace in the second half of the thirteenth century.

Before bringing charters into consideration, attention must be called to King Eric Glipping's statutory instrument for northern Jutland from 1284. Article eleven states that when the king orders mobilization for an expedition (*lething*), they shall go as they did in the days of King Valdemar, i.e. before 1241, and in the years when expeditions are not ordered, each mobilization unit (*hafnæ*) must render two marks.¹³⁶ Concurrently the king issued ordinances for Zealand and Scania. The latter of these regulations contains no articles on mobilization of the fleet. Only the ordinance for Zealand states rates of military contributions for landowners in article eleven. It is disputable whether these rates should be understood as a distribution of military services, or payments in kind or with money.¹³⁷ The charter by which Duke Valdemar was appointed duke of Schleswig from 1286 declares that he will respect the Crown's rights in his duchy and discharge his obligations towards the Crown and realm, and shows that military service could be commuted to money payments. Duke Valdemar acknowledges the king and his council of wise men's right to call up men for military service in Schleswig, as well as the Crown's decision to commute military services in the duchy. In the latter case, all the income reverts to the duke who in return accepted his duty to support the king with all the duke's subjects whenever he is called upon to fight in wars on behalf of the realm.¹³⁸ Thus, the Crown had two options for mobilization. The king and council could mobilize the common servicemen in Schleswig. Alternatively, the Crown had the option to commute the military services of the common conscripts and let

133 Per Andersen, *Lærd ret og verdslig lovgivning. Retslig kommunikation og udvikling i middelalderens Danmark* (Copenhagen, 2006), p. 21.

134 See chapter, Law, Justice, and Constitution.

135 Fredrik C. Ljungqvist, *Kungamakten och lagen* (Stockholm, 2014), p. 48.

136 *DDR indtil 1400*, p. 120.

137 *Ibid.* p. 141.

138 *DD*, 2.3, no. 170.

all the incomes fall to the duke, who then had to muster his subjects and join the royal army.

Commutation of military service probably became more and more common. The fact that the common servicemen more or less disappeared from the sources in the second half of the thirteenth century supports this suggestion. Common peasants' military service was replaced by taxes during this period.¹³⁹ Another sign might be that the Crown's suppression of ecclesiastical opposition in the 1260s and 1270s, which will be discussed later, must have been based on an army of German mercenaries. King Eric Menved's army during his campaigns in Sweden in the years 1307–1309, certainly to a great extent consisted of German knights from his allied north German principalities. To pay them the king levied extraordinary taxes on the peasantry, which was presumably a contributory factor behind a peasant revolt in 1312 on Zealand and in Jutland the following year. The latter was backed up by lay noblemen.¹⁴⁰ Still, we have only indirect indications of this commutation of the peasantry's military services to tax. No royal tax lists are handed down to us, but from written sources we know that in the thirteenth century the bishop of Ribe collected taxes on behalf of the king. These taxes included a commutation of military service (*leding*).¹⁴¹

The written sources do not reveal much about the common peasants' military service nor the kings' abilities to collect taxes to replace these services; we are much better informed about the towns' and the aristocracy's military obligations to the Crown—not least due to long-standing disputes between the Crown and the archdiocese in Lund. The documents provide information on conflicting claims to military services from towns, the nobility, and the clergy.¹⁴² At a meeting in Nyborg in 1256, Archbishop Jacob Erlandsen faced royal complaints about the military service he allegedly imposed on towns in his jurisdiction. The military duties of the nobility in Scania were also discussed. The *leding* was apparently an important issue on the agenda for the meeting. The basic complaint was that the archbishop contributed less service to King Christopher's war expeditions than his predecessors had rendered to King Valdemar II. The king stated in detail that the archbishop granted his noblemen leave from

139 KLM, vol. 10, cols 447 ff.; See the chapter, Tax.

140 DMA, pp. 116–117; DD, 2.7, no. 167; Kristen J. Rasmussen, "Jydernes gamle stivisind. Bondeoprør og adels reaktion imod Erik Menved i 1313", in *Til kamp for friheden. Sociale oprør i nordisk middelalder*, eds Anders Bøgh et al. (Aalborg, 1988), pp. 111 ff.

141 Per Ethelberg, Nis hardt, Bjørn Poulsen and Anne Birgitte Sørensen, *Det sønderjyske landbrugs historie. Jernalder, vikingetid og middelalder* (Haderslev, 203), p. 147.

142 *Acta processus litium inter regem Danorum et archiepiscopum Lundensem*, eds Alfred Krarup and William Norvin (Copenhagen, 1932).

expeditions—not even during times of war did the archbishop allow them to man the royal castles. The king claimed that: the archbishop recruited noblemen from jurisdictions other than his own; with the aid of the pope he tried to reduce military service to six weeks for himself and bishops; the archbishop claimed the right to collect fines for neglect of service from his men; and he refused to let the towns and villages in his jurisdiction contribute to the building of warships. Some ten days later another meeting was held in Vordingborg. At this meeting, the *leding* was again on the agenda. The king repeated and specified his claims from the Nyborg meeting and added two new complains. The king claimed that the archbishop prevented the bishops from following the king on military expeditions, and allegedly also prevented some of the king's men from following their lord in war under threat of excommunication. The *leding* was a main issue in the conflict between the Crown and the archbishop. The latter asserted his right to command his own noblemen. Without this right to mobilize and to grant his noblemen leave from expeditions, they would no longer be his men, was the archbishop's argument at a later meeting in Lund. The king on his side claimed his right to dispose of all the forces of the realm, including the archbishop and his men. The bishop acknowledged that he owed loyalty to the king, but argued that he also owed obedience to the pope.¹⁴³

In contrast to this, Jens Grand, who was elected archbishop by the chapter in Lund in 1289, simply refused to mobilize his men to join the royal forces against the outlaws and their Norwegian allies, who were allegedly responsible for the assassination of King Eric Glipping in 1286. Nor did Jens Grand allow the peasants living on church land to contribute to the provisioning of the royal army. In response, King Eric Menved jailed the archbishop in 1294 and a long process at the Curia commenced. Eventually, in 1302 the pope ordered Jens Grand to swap archiepiscopal sees with the archbishop of Riga.¹⁴⁴ The following year, King Eric Menved confirmed the royal privileges of the new archbishop of Lund. The charter established that if the archbishop and cathedral's men refused to come when the inhabitants of the see of Lund were called to defend the realm at the provincial thing (*"ad expeditionem pro defensione regni"*), the archbishop was bound to punish them. If he was negligent or indulgent, or if he ordered his men to be absent with the archbishop's approval and consent, they would be punished by the king according to the laws of the country.¹⁴⁵ Thus, the king claimed that the archbishop was responsible for his men insofar as he should punish

143 Skyum-Nielsen, *Kirkekampen i Danmark*, pp. 104, 107, 109.

144 Helge Paludan, "Tiden 1241–1340", in *Danmarks Historie*, vol. 1, eds Aksel E. Christensen et al. (Copenhagen, 1977), p. 487.

145 *DD*, 2.5, no. 248.

them if they neglected royal orders of mobilization. If the archbishop did not comply with this duty, or downright encouraged his men to defy the king's command, the king himself would punish them. In other words, the king insisted on a lawful claim of military service from the archbishop's men in defence of the realm.

The following year, 1304, King Eric Menved issued an ordinance for northern Jutland. In this he rolled out an alternative way of providing warships for the fleet. It reads: "After each and everyone's income are summed up, for each revenue of one thousand marks a cog of fifty lasts shall be bought and equipped with men and supplies lasting for sixteen weeks—one mark of grain is equal to ten marks of money and a barrel of butter is equal to eight marks". The ordinance also banned the *styrismen* from collecting the due called horse rental, except when in war.¹⁴⁶ Compared with the Law of Jutland sixty years earlier, the office of the *styrisman* apparently still existed but the procedure for putting up a fleet was completely different. Whether this was an attempt to reform or restore to life the fleet provided by the common men, which, as mentioned above, disappeared from the sources in the second half of the thirteenth century, is hard to say. It is equally hard to imagine how it was possible to put the new procedure into action. How it was possible to add all revenues in the realm at one time, from which not a single agrarian survey or account has survived, is hard to imagine.¹⁴⁷ In addition, the fact that King Eric Menved used German mercenaries in his campaigns against Sweden and later in the uprisings against him in 1312 and 1313, do not exactly suggest that his attempts to reform or resuscitate a national army and fleet based on popular recruitment was a success. Seen in retrospect, it is questionable whether a national army or fleet ever existed on a full scale. Peasant revolts against kings and great men in the second half of the thirteenth century are also accounted for in annals,¹⁴⁸ and as it has been pointed out earlier, the sources say next to nothing about conscriptions of peasants in accordance with the sections on *leding* in the Law of Jutland after this law was promulgated, if any popular mobilization at all.

We have knowledge about the nobility's role in the *leding*, in particular the role of the ecclesiastical aristocracy due to the conflict between the archbish-

146 Ibid. no. 310, sections 1 and 10.

147 The first Danish agrarian survey is from c. 1315 and the first account dates from 1388–1389. *Århus Kannikebords Jordebog ca. 1315*, ed. Poul Rasmussen (Viborg, 1992); "Regnskabet for Ribebispens gård Brink 1388–89", eds Bjørn Poulsen and Fritz S. Pedersen, *Danske Magazin* 8.6 (1993), 316–336.

148 *DMA*, pp. 173, 288.

ops and kings discussed above. In the documents, the terminology and some of the obligations in the sections on *leding* in the Law of Jutland can be identified, but the truth of the matter is that the Crown faced great difficulties enforcing the law. Apparently the king had just as little success in enforcing the secular aristocracy's military obligations. The assassination of King Eric Glipping in 1286 is just one example. At the death of king Valdemar II in 1241, the *Annales Ryenses* regret that "the crown fell off the head of the Danes, because from that day on they devoted themselves to internal war and mutual destruction". Such an adverse interpretation is perhaps not eloquent for the subsequent sixty years.¹⁴⁹ It has actually been argued that the Crown, judging from reading the narrative legal sources, in some ways came out of the thirteenth century invigorated.¹⁵⁰ Still, it cannot be denied that internal wars between contending parties of great men, related to succession troubles, left their mark on the second half of the century, in particular the first two centuries after 1241. Such a turbulent political environment hardly had an encouraging effect on the enforcement of the national military system on view in the Law of Jutland.

Conclusion

From the ninth, tenth, and the greater part of the eleventh centuries, we have found no evidence substantiating the idea that kingship was based on a royal prerogative to organize and command a national military force. We have found no evidence of such royal rights in the sources, either regarding the internal struggles between rival rulers within the lands of the Danes, or when it came to their raids into northern Germany and the western parts of the European continent in general. The king was king because of the consent of the army. The king was primarily a warlord, either he was elected by lesser warlords and their warriors (*lid*) or warriors of various ethnic origins were attracted to him and joined him because of his charisma, skills, and success as a leader in war. The king did not have the overall decision when it came to war and peace, he was a military leader, who could take initiative, but the king did not have the authority to launch expeditions without the approval of the thing, i.e. the fleet. The power to decide on war and peace was not institutionalized as a royal prerogative.

149 Ibid. p. 172.

150 Mads Smedegaard Bjerre, *Blev kongemagten svækket i tiden efter Valdemar 2. En analyse af kongemagt og lovgivning 1241–1282* (Copenhagen, 2015), unpublished thesis.

Before the middle of the twelfth century there is no indication that the idea of a public army, which the king could invoke to the benefit of the kingdom, existed. Kin and mutual friendship between the king and his retainers of great men with private armies was continuously the core of the military system. Royal power was due to family solidarity and friendship between major and minor warlords with common interests, or alternatively dominance relationship between these parties if conflicting interests stood in the way of voluntary joint military action. Mobilization of public forces was certainly not a royal prerogative. On the other hand, when Saxo wrote his *Gesta Danorum* in the first decades of the thirteenth century, he considered popular mobilization against authorities to be lese-majesty. Saxo makes the distinction between private and public war several times in his historical account of the wars up to the mid-twelfth century. We do not know exactly what Saxo meant by the public forces. However, around 1200 notions of a public army certainly existed.

Command of public forces was still not a royal prerogative when Valdemar I became sole king in 1147 after decades of internal succession troubles. The king did not have absolute right and power to make decisions of war and peace. The army, as a decision-making body with a command-bearing structure consisting of the country's great men, serves as a standard in the narrative sources. This was also the case later when the army decided to make Valdemar's son, Cnut, co-regent. The king was king as leader of the association of several private armies, i.e. the composite of the king's and the magnates' private armies, composed of their armed retainers, which appeared either as one or more provincial armies or a national army. But the king had no absolute right or power to make major decisions on behalf of the public armies in the twelfth century, according to the sources. Private armies were a constitutive element in the military structure in Denmark throughout the Middle Ages, while it is debatable in what sense one can speak of a public national army before 1300. These private armies could benefit from resources in the form of commuted military services. Peasants were liable for military duties to their lay and religious landlords on equal terms with peasants living on Crown land, whether they performed military service or it was commuted to some kind of rent. So far as the king managed to muster provincial or national armies, they did not consist of conscripts of common peasants.

A detailed military law appears for the first time in 1241 in the Law of Jutland. It may have been intended to be a countrywide law. The twenty chapters on military law in the third book of the Law of Jutland reflect a military system with the conscription of an army consisting of peasants, a standing army of lay and religious lords with followers, and the provision of war tax or a distribution of military service based on land. Whether the later provisions in chapters

nine to twenty are concerned with the distribution of military service and/or war tax is disputable. The first twenty chapters of the third part of the Law of Jutland make up a functional entity of a fully-fledged public army. The Law of Jutland pretends to be a military law with all the military forces of the realm embraced by royal government. The supplement of the Law of Scania and the Law of Jutland on expedition regulates how often military campaigns could be imposed on the population, and the king's right and obligation to call for additional expeditions. The military campaigns were organized either by the local royal provosts or so-called *styrismen* with an economic interest in the mobilization and execution of military campaigns. Being a *styrisman* was a hereditary assignment, which was inherited by the king if the *styrisman* did not have legitimate sons. The organization of the *lething* was in other words either in the hands of local royal officials, ombudsmen, or *styrismen* with a status similar to royal vassals.

The Law of Jutland is the first law dealing with military law and the first proper law, i.e. a law explicitly given by the king and agreed on by the people. This might speak in favour of an institutionalization of the king's right to control the military forces of the realm, but it is impossible to determine the Crown's actual ability to do so in real life, i.e. whether it was the case when the laws were written. There are indications of it in a couple of royal statutory instruments and a royal charter from the mid-1280s. Still, we do not have much information on the peasants' military service. Nor has much direct information survived regarding the kings' actual power to collect taxes to replace these services. The fact that the common servicemen more or less disappear from the sources in the second half of the thirteenth century, and that the royal armies increasingly consisted of mercenaries, might indicate that the peasantry's military service was commuted. We have, however, only sporadic, indirect indications of such a commutation. No royal tax lists are handed down to us.

We have more information regarding the aristocracy's military obligations to the Crown, due to the long-lasting conflict between the archbishops and kings. In this conflict, the Crown faced great difficulties. The king insisted on a lawful claim of military service from the clergy in defence of the realm, but the Crown had little success in enforcing the religious aristocracy's military obligations. The king had just as little success in enforcing the secular aristocracy's military obligations. Internal wars between contending parties of great men related to succession troubles left their mark on the second half of the thirteenth century, in particular the first two decades after 1241. This political and military turmoil hardly had an encouraging effect on the enforcement of a national military law as presented in the Law of Jutland.

The Realm

Regio and *regnum* are key concepts in the Danish chronicles from the High Middle Ages, particularly in Sven Aggesen and Saxo's writings, but what did they mean by these concepts? In the chapter on a *speculum regale* we have seen how Marsilius of Padua, in the beginning of the fourteenth century, found that a realm was constituted by a plurality of cities or provinces, a territory, and the inhabitants of this territory willingly being ruled.¹ Saxo, a century earlier, had the same idea insofar as the Danish realm was constituted by the Danish provinces, i.e. Jutland, Funen, Scania, and Zealand, while Saxo for example did not consider the Slavic territories controlled by Danish kings parts of the Danish realm. The kings merely had supremacy over these foreign territories. In respect to the inhabitants of the realm, Saxo was even more radical than Marsilius. The Danish people was not just willingly ruled by the king, the Danish people and the king were one. This symbiotic relationship between king and people, and the view that the Danish dominions in the Baltic regions were not parts of the Danish realm, is clearly expressed in Saxo's account of King Valdemar I's travel to Dôle, where he paid homage to the German-Roman emperor Frederick Barbarossa, despite Archbishop Absalon's warnings. Frederick tempted Valdemar to come with promises of a province in Italy and supremacy over all the Slavic territory ("totius Sclauie prefectura daturum"). After Valdemar had been trapped, Saxo tries to minimize the importance of the oath of fealty by several arguments. One of them is that Valdemar's son and successor could renounce the conditions binding his father, because it was not a hereditary bond binding the Danish people ("ne ad omnem Danorum gentem hereditarium minaret obsequium").²

Saxo's work is not only, as the title *Gesta Danorum* suggests, a history of the achievements of the Danes, it is at the same time a history of the Danish royal dynasty. Saxo opens the first chapter of his work with the words: "The History of the Danes begins with Dan and Angel, Humble's sons, they were not only the founding fathers of our people, but also the rulers of it". "Dan was the father of our royal house", Saxo continues.³ The sovereignty of the Danish realm, i.e. the

1 Marsilius of Padua, *Defensor pacis* 1.2.1–2.

2 Saxo 14.28.3, 14.28.16.

3 Ibid. 1.1.1.

Danish monarch, people, and territory, is a prime concern in Saxo's history of Denmark. This is obvious from his eager attempts to soften the consequences of King Valdemar's oath of fealty to the German-Roman emperor, and it is reflected in Saxo's anti-German attitude in general. Sven Aggesen had the same anti-German viewpoint, for example in his anecdote about the old, blind, and helpless King Wermund and his son Uffe, the noble warrior, who saved the Danish realm from falling into the greedy Teutons' hands by defeating two proud, bragging, cowardly German champions on an island in the Elbe.⁴ In Saxo and Aggesen's time and beyond, Danish rulers were under massive influence by the empires in the south, as argued in the previous chapter on *marca*, *feudum*, and sovereignty. This imminent danger, and the desire to centralize power in the hands of one royal house, sharpened Saxo's concept of the realm and his idea of independent sovereignty. In the cited sequences of the *Gesta Danorum*, Saxo uses the terms *regnum*, *rex*, and *gens* synonymously. Realm, king, and people Saxo considered a coherent unity from the beginning of time. Accordingly, Saxo conformed to the general medieval usage of the terms *regio* and *regnum*, including the components majesty, Crown, territory, and people, i.e. the great men of the realm, as a body. All of these components can be found as meanings of the term *regnum* in medieval sources,⁵ and these are the themes which will be studied in this chapter in search of the roots of the Danish realm.

Saxo's definition of a people continued an antique tradition.⁶ The Danish people, and if it comes to that also other peoples, Saxo defined by a certain territory, language, culture, history, king, and law.⁷ The Danish realm, king, and people were considered a unity based on common law, language, culture, and history within a certain territory distinct from other peoples definable by identical criteria. To distinguish between groups of people and describe the world by ethnic labels was a common practice in ancient ethnography with roots in the biblical world view. People, birthplace, race, and class were categories used by antique historians when describing the world they knew. For Herodotus (484–420/430 B.C.) the *ethne*, i.e. people, was the unit of the world he accounted for and he often subdivided the peoples into tribes, whom he described in great detail. When Herodotus wrote about what he had experienced and read on his travels throughout the eastern Mediterranean and Asia

4 Aggesen, *Brevis historia*, pp. 96–105.

5 J.F. Niersmeyer, *Mediae Latinitatis lexicon minus* (Leiden, 1997), pp. 902–903.

6 Karsten Friis-Jensen, *Saxo og Vergil. En analyse af 1931-udgavens Vergil-paralleller* (Copenhagen, 1975).

7 Kasper H. Andersen, "Fædreland og folk i Gesta Danorum", in *Saxo og hans samtid*, eds Per Andersen and Thomas Heebøll-Holm (Aarhus, 2012), p. 238.

Minor, he was focusing in particular on the religious traditions, social customs, language, material culture, and economic systems of the different peoples.

The social unit of the Roman historians was likewise the people, *gens*. The Romans divided their barbarian neighbours into peoples, and ascribed to them various characteristics, just as Herodotus and other Greek ethnographers had done. A people, according to Roman tradition, shared common ancestry myths, cultural traditions, legal system, and leaders even though these were unstable, flexible, and subject to dispute. Against this background, the designations of the peoples *Alamanni*, *Franci*, and *Saxon* appeared in the third century. Roman authors referred to all the peoples who appeared on the Rhine frontier as *Germani*, and distinguished among those *Germani* who lived on the lower Rhine as the *Franci*, i.e. the free, and those of the upper Rhine as the *Alamanni*, i.e. the People. Pirates from the North Sea coast had raided the Roman Empire since the third century and some of them later served in the Roman army. These independent bands of pirates and raiders the Romans called *Saxons*. All three designations, *Franci*, *Alamanni*, and *Saxon*, are Germanic words. Consequently, the Romans must have adopted them and made them new terms for independent indigenous groups that the Roman authors assumed a new collective identity for.⁸

A common culture and collective identity may very well have prevailed among small independent bands in northern Europe. Such feelings are probably natural in small face-to-face groups but they hardly existed in the large ethnic communities that the Romans called Franks or Saxons. In Late Antiquity, these ethnic constructs were relevant to the Romans, but not to their so-called barbarian neighbours. They only became relevant in northern Europe concurrently with the newly emerging Christian, medieval kingdoms. By appropriating the ethnic labels imposed by others and using them to unify the people within the territories of these new kingdoms, early medieval ethnicity had the same twofold function of integration and distinction as it had had in antiquity. The point of being a Frank or a German was being distinct from other peoples, and being proud of it. Ethnic identities were reshaped as a basis of huge political entities like the Frankish or German kingdoms. Between the fourth and the twelfth centuries, a number of new kingdoms had to create new forms of legitimacy and organization to overcome a Roman world based on empire, city, and province. "In the course of time, a new world developed that relied on Chris-

8 Patrick J. Geary, *The Myth of Nations. The Medieval Origins of Europe* (Princeton, 2002), pp. 43, 73–74, 81, 141–142.

tendom, kingdom and people to pull an increased variety of local communities together".⁹

During the Early Middle Ages, the terms Dane and Denmark in various forms underwent this change together with many other European ethnic and topographical terms. From being applied to the people of this part of the world as a topographical and/or an ethnic term designated by outsiders, these terms changed to be claims for unity under leaders who hoped to monopolize and to embody the traditions associated with these names. One may wonder which ethnic names the members of these groups would have recognized themselves in prior to this gradual change. Following the appropriation of the classical ethnographers and historians' topographical and ethnic labels, and the disparate traditions associated with them, Danish leaders, like new leaders elsewhere in Europe, invented new traditions and appropriate ideologies in the form of the royal and sacred genealogies, legendary battles, and heroic events of the Danish people, and not at least they converted to Christianity.¹⁰ This tradition is preserved from around 1100 beginning with the legend of King Cnut the Holy, the *Passio St Kanuti regis & martyris* and *Ælnothi monachi historia ortus, vitæ, & passionis St Canuti regis Daniæ*, and it was continued in the *Chronicon Roskildense*, *Chronicon Lethrense*, Sven Aggesen's *Brevis historia regum Dacie*, and Saxo's *Gesta Danorum* during the twelfth and the first two decades of the thirteenth centuries.

In these and other high medieval narrative sources a certain Danish national identity and nationalism can be detected. It is not easy to say how widespread among the population a national identity was. Perhaps it was confined to the aristocracy.¹¹ In certain situations nationalism was presumably more generally adopted in the heartlands of the nation. At other times, national identity was the preserve of the elite, but most of the time this identity seems to have flourished exclusively in literate circles.¹² A Danish national identity was definitely urged by chroniclers. Whether they had an idea of realization of it or

9 Walter Pohl, "Introduction: Strategies of Distinction", in *Strategies of Distinction. The Construction of Ethnic Communities, 300–800*, ed. Walter Pohl with Helmut Reimitz (Leiden, 1998), pp. 2–9.

10 See chapter, Genealogy.

11 Ole Feldbæk, "Is There Such a Thing as a Medieval Danish Identity?", in *The Birth of Identities—Denmark and Europe in the Middle Ages*, ed. Brian Patrick McGuire (Copenhagen, 1996), pp. 127–134.

12 Anders Leegaard Knudsen, "Interessen for den danske fortid omkring 1300—En Middealderlig dansk nationalisme", *HT* 100.1 (2000), 1–32.

it was merely an imagined national identity the chroniclers constructed, they served the purpose of creating a national community.¹³

Dane

The term *Dani* (Danes) appears in the sixth-century bureaucrat Jordanes's *Getica* for the first time in antique literature. Jordanes tells that the *Dani*, who came of *Suetidi* (Swedish) blood, had driven the *Heruli* out before they settled. The *Getica*, the history of the Goths, a mysterious Nordic people, was written at Constantinople about the middle of the century as a summary of a lost multi-volume history of the Goths by the statesman Cassiodorus (c. 485–585).¹⁴ More or less simultaneously, the terms *Danon* and *Danoi* are mentioned by another Byzantine historian, Prokopius (c. 500–565), in his later history of the Gothic wars. Prokopius tells how a part of the *Heruli*, after they had been defeated by the Lombards, walked northwards through the lands of the Slavs and thereafter passed the lands of Danes. None of these wild peoples reportedly did any harm to the *Heruli*, and when they came to the ocean the *Heruli* boarded a ship and sailed to Thule. Later, the part of the *Heruli* still living by the Romans sent a noble man to Thule, but he became ill on his way and died in the land of the Danes, Prokopius tells.¹⁵ The lands of the Danes, according to Prokopius, is in the far north of the continent at the ocean in which Thule, an island ten times bigger than Britannia, is situated. Later in the sixth century the Gallo-Roman historian and bishop of Tours, Gregory (c. 538–594), in the third book of his *Decem libri historiarum*, which by posterity has been called the *Historia Francorum*, tells how the *Dani* with their leader *Chlochilaichum* plundered the coast of Theodoric's Merovingian kingdom.¹⁶ Simultaneously *Dani* is mentioned by Gregory's colleague the bishop of Poitiers, Venantius Fortunatus (d. c. 609).¹⁷

13 Ernst Gellner, *Nations and Nationalism* (Oxford, 1984), pp. 7, 11–13, 54–56; Benedict Anderson, *Imagined Communities—Reflections on the Origin and Spread of Nationalism* (London, 1991), pp. 5, 6–8, 12, 19.

14 Arne Soby Christensen, *Cassiodorus, Jordanes and the History of the Goths* (Copenhagen, 2002), pp. 268–269, 299–300.

15 Prokopius, *Procopii de bello Gothico* 2.15, ed. Gerhard Wirth (Leipzig, 1963), pp. 215–217; Prokopius, *Prokop, Gothenkrieg*, trans. D. Coste (Leipzig, 1885), pp. 123–125.

16 Gregory of Tours, *Gregorii Episcopi Turonensis Historiarum*, 3, p. 99.

17 *KLNM*, vol. 2, cols 643–646.

From the late sixth century, there is a time gap of about two hundred years before the term *Dani* reappears in literature and letters. Alcuin of York (c. 735–804), a leading scholar and teacher at the Carolingian court in the 780s and 790s until he was made abbot of Saint Martin's at Tours in 796, asks around 790 if there is any hope of the conversion of the Danes ("de Danorum conversione") in a letter to an abbot in Saxony. A papal charter from the first years of the 830s is the first diploma mentioning Danes, when Pope Gregory IV elevated the bishopric in Hamburg to an archiepiscopal see and assigned the right to undertake missionary work among the Swedish or Danish peoples ("gentibus Suenonum siue Danorum") to Archbishop Ansgar jointly with archbishop Ebo of Reims. In 833, the king of Mercia, Wiglaf, was in council with England's king, bishops, and lay lords concerning among other things the Danish pirates (*Danicos piratas*). From the 830s, still more English and continental European diplomas refer to and mention Danes, particularly in papal charters concerning the mission among peoples in northern Europe.¹⁸

The *Annales regni Francorum*, beginning at the death of Charles Martel in 741 and continuing to 829, is the first chronicle to mention the Danes when the annals report that the Saxons north of the Elbe killed Charlemagne's legate, Godskalk, on his way to the king of the Danes, Sigfred. This king is mentioned in the annals before. In 777, the rebellious Westphalian Widukind allegedly fled to Sigfred. In 782, he is called king of the Northmen (*Normanni*).¹⁹ Danes are frequently mentioned in the West Frankish annals and they even speak of the Danish language (*lingua Danorum*) and the Danish border (*Danorum termini*). The very same borderland is on the other hand elsewhere referred to as the borderland of the Northmen (*confinibus Nordmannorum*).²⁰ The designations *Dani* and *Nordmanni* are used synonymously in the annals. However, in the ninth century the Frankish chroniclers distinguished between different Nordic peoples. They actually made distinctions between the Northmen, as Jordanes had already done in the sixth century. Einhard (c. 770–849), who was educated at the convent school in Fulda and as a young man came to Charlemagne's court and soon won the king's confidence, in his history of the life of Charlemagne for example talks about *Dani* and *Sueonos*, and considered them Nordic (*Nordmanni*) peoples.²¹ The most important and extensive of the East Frankish

18 *DD*, 1.1, nos 1, 25, 27, 32, 39, *passim*.

19 *Annales regni Francorum*, ed. G.H. Pertz (Hannover, 1895), pp. 49, 60, 103.

20 *Ibid.* pp. 126, 163, 175.

21 Einhard, *Einhardi vita Karoli Magni*, pp. 15, 17.

chronicles, the *Annales Fuldenses*, even refers to the Danes as the bravest of the Nordic peoples.²²

Just as the Frankish chroniclers operated with different Nordic peoples, different Danish peoples appear in the sources from the ninth and tenth centuries. According to the *Old English Orosius*, ascribed to the English king Alfred the Great (c. 848–899), the Danes did not form one united people. This work is a translation and elaboration of Paulus Orosius's geographical accounts. Orosius (c. 385–c. 420) begins his *Historiarum adversum paganos libri VII*, published c. 417, with a geographical description of Asia, Africa, and Europe in which the North is only briefly mentioned as the mythic *Thule*.²³ The Old English version of Orosius's work is supplemented with detailed accounts of the journeys made by Othere and Wulfstan in northern Europe. In these supplements, the Danes are divided into the south Danes, in Jutland, and the north Danes living on the islands and the mainland east and north of Jutland, i.e. the Danish islands, eastern Sweden, and southern Norway.²⁴ The *Beowulf* poem mentions several factions of Danes which are indeed very difficult to get a hold on both in respect to their habitat and their mutual relations. In the land of the Danes (*land Dana*) the Danish people seems to be divided into several factions: "the ring Danes" (*Hring-Dena*), "the south Danes" (*Sud-Dene*), "spear Danes" (*Gar-Denum*), and "the west Danes" (*West-Denum*).²⁵ The dating of *Beowulf* is uncertain. It has been held that it was first written down sometime in the seventh or eighth centuries, but it has also been rather convincingly argued that it was not only transcribed but also authored after 1016 when Cnut the Great claimed the English Crown.²⁶ If the later dating is right, in King Cnut's day the notion existed or even prevailed that the Danes had been or were divided into several peoples. This view does not correspond well with the tradition that Cnut ruled an empire comprising England, Norway, and Denmark.

22 "Erat autem ibi gens fortissima in Nordmannos Danorum, quae numquam antea in aliqua munitione vel capta vel superata auditur." *Annales Fuldenses*, p. 152.

23 Paulus Orosius, *Historiarum adversum paganos libri VII* 1.2.79, ed. Karl Zangemeister (Hildesheim, 1967), p. 29.

24 "West of the south Danes is the arm of the Ocean surrounding the land Brittania and north of them [the south Danes] is the arm of the ocean called the Baltic Sea", i.e. the south Danes live in the land with the North Sea to the west and the Baltic Sea to the north (east); in other words they live in Jutland. The *Old English Orosius* continues: "east of them [the south Danes] and north live the north Danes, both on the mainland and on the islands" (my translation). The *Old English Orosius*, ed. Janet Bately (London 1980), p. 13.

25 *Beowulf*, ll. 229–243, 463–465, 823–829, 1769–1771, 1996–1997, 2494.

26 Kevin Kiernan, *Beowulf and the Beowulf Manuscript* (1981; Ann Arbor 1996).

"The south Danes" of the *Old English Orosius* must be synonymous with the Jutes who, according to Bede (673?–735), inhabited the land next to the Angles relative to the Saxons, i.e. the peninsula of Jutland.²⁷ The *Anglo-Saxon Chronicle* mentions the Jutes as one of the three Germanic tribes invading Britain in the mid-fifth century. "From the Jutes came the people of Kent and of the Isle of Wight, namely the tribe which now inhabits the Isle of Wight and that race in Wessex which is still called the race of Jutes."²⁸ William of Malmesbury confirms this in his *Gesta regum Anglorum* from the decades before 1135. He tells that the Jutes were one of the three German peoples, the other two being the Saxons and the Angles, who were invited to England to settle and fight the invading Scots by the unready and unwise king of Britain, Vortigern. One of the German's leaders, Hencgest, gave his beautiful daughter to the British king, who was devoted to carnal pleasures and always lusted after fair women. In return, Hencgest received the whole of Kent as a gift. All the Jutes, however, did not migrate to Britain. Chosen by lot only some of the Jutes, Angles, and Saxons emigrated to relieve the exhausted motherland, Malmesbury explains.²⁹ In the Middle Ages, and today, the Jutes are one of the Danish peoples. Among the Danish peoples found in the greatest Danish medieval chronicler Saxo Grammaticus's *Gesta Danorum* from around 1200 are *Iuti* (Jutes), *Laladenses* (the people of the island Lolland), *Fresi* (Frisians), *Syalandicus* (the people of Zealand), *Scanicus* (the people of Scania), etc. These peoples Saxo attributed different virtues.³⁰

Rimbert's missionary chronicle of the life of Ansgar, written down between 865 and 876, like the Frankish chronicles, operates with different Nordic peoples. The chronicle opens with these words: "Here begins the book about the life, works, and death of master Ansgar, the first bishop of north Albinia and the legate of the Apostolic See over the still captive in paganism Swedes, Danes, Slavs, and other of the Nordic peoples".³¹ Rimbert speaks about the Danish people (*gentibus Danorum*), the Danish territories close to Frisia, Danish robbers,

27 Bede, *Bede's Ecclesiastical History of the English People* 15, eds Bertram Colgrave et al. (Oxford, 1992).

28 *The Anglo-Saxon Chronicle*, ed. Dorothy Whitelock (New Brunswick, 1961), p. 10.

29 William of Malmesbury, *Gesta regum Anglorum*, ed. R.A.B. Mynors (Oxford, 1998), pp. 20–25.

30 Saxo *passim*.

31 "Incipit Libellus continens vitam vel gesta seu obitum Domni Anskarii primi Nordalbingorum Archiepiscopi et letati sanctae sedis apostolicae ad Suenos seu Danos necnon etiam Slavos et reliquaas gentes in aguilonos sub pagano adhuc ritu constitutas." Rimbert, *Vita Anskarii*, p. 16.

and he even holds that the Danes have collective knowledge about certain matters and were ruled by a sole monarch, but he never mentions a name for the land of the Danes.³² Neither do the Frankish chroniclers provide a geographical designation for the land until the second half of the ninth century.

Denmark

The earliest name for the land appears around 700 in the work of an anonymous geographer in Ravenna. He refers to the Northman country bordering Saxony that was called *Dania* from ancient times.³³ This name is also used in the Frankish *Annales Bertiniani*.³⁴ In the East Frankish chronicle by Regino of Prüm (d. 915), published in Trier 908, there is one reference to *Denimarca*. On the other hand, this chronicle has no references to *Dani* at all but innumerable references to the *Nortmanni*. In the passage mentioning Denmark the chronicle reports how the Northmen, arriving to Kinem from Denmark went up the Rhine at Godfred's decision, captured Duisburg, and as usual they built a fortification in which they stayed over winter.³⁵ The term Denmark is also used in the *Old English Orosius* in the section describing the southernmost part of Othere's voyages from Skerings heal to Hedeby. "When he again sailed from Skerings heal Denmark was on the port side and the open sea to the starboard side for three days", Othere claims.³⁶ According to the text, Othere reported his journey orally directly to the English king Alfred. This is the only passage in the text mentioning King Alfred. If it can be trusted, Othere's voyages took place in the second half of the ninth century and his visit to England was made before Alfred's death at the end of 899. Concerning the dating of the *Old English Orosius* itself, in the form that we have it, it can be concluded that it cannot have been completed before Alfred's accession in 871. The earliest surviving reference to the

32 Ibid. pp. 30, 44, 36, 32, 46, 50, 78, 94, 102.

33 *Ravennatis Anonymi Cosmographia*, pp. 28, 202, 212 <http://books.google.dk/books?id=mlxRV1Gz1ZkC&q=>.

34 *Annales Bertiniani*, anno 855, p. 89.

35 "Eodem anno Nortmanni, qui in Chinheim ex Denimarca venerant, adsentiente Godefrido Rhenum ascendant et Diusburh oppido occupato, munitionem en eodom loco solito construunt et in eo tota heime resident." "Regino von Prüm", in *Ausgewählte Quellen zur Deutschen Geschichte des Mittelalters*, vol. 7, part three, *Quellen zur Karolingischen Reichsgeschichte*, ed. Reinhold Rau (Berlin, 1960), p. 266.

36 "Da he piderweard seglode fram Sciringesheale, pa wæs hi mon pæt bæcbord Denamearc, on pæt steorbord widsæ pry dagas." *The Old English Orosius*, p. 16.

origin of the *Old English Orosius* can be found in William Malmesbury's *Gesta regum Anglorum*, where it is attributed to King Alfred, who "made a great part of Latin literature accessible to English ears, inter alia Orosius".³⁷ There are only four extant manuscripts of the *Old English Orosius* and the oldest of them, forming the basis of the text, is apparently written by the same hand as the second scribe of the so-called Parker Manuscript of the *Anglo-Saxon Chronicle* which begins with the last paragraph of 891 and continues until 924. If this palaeographical interpretation is correct, the oldest extant manuscript of the *Old English Orosius* is written down after 924 and probably before 955 when the third scribe of the Parker MS of the *Anglo-Saxon Chronicle* ended his contribution to the annals 924–955.³⁸ It can be concluded that in the first half of the tenth century the name Denmark was known in England and in the western parts of continental Europe.

The name of the land of the Danes is, however, older. As we have seen the Ravenna Geographer wrote about the Northman *patria* bordering Saxony called *Dania*. Nonetheless, Æthelweard, living in the late tenth century, speaks of the name as of recent origin although his use of the name is somewhat baffling. Among other incidents for the year 449, Æthelweard reports that "the nation of the Saxons was active in piracy in the whole coastal stretch from the River Rhine to the city *Donia*, which is now called Denmark by common people".³⁹ The standard term for Denmark in medieval Danish annals is another Latin word: *Dacia*. This might perhaps mislead to the conclusion that the origin of a toponym for the land of the Danes is even older than around 700, because *Dacia* is often mentioned in antique and late antique texts. The *Dacia* referred to in this literature is, however, the Roman province *Dacia*, geographically more or less congruent with present-day Romania. Later in the *Annales regni Francorum*, this region is accounted for as *Bulgaris Dacia*, neighbouring the Danube.⁴⁰ Thus, different forms of the same toponym for the land of the Danes seem only to have appeared sometime around 700 in the form *Dania* and again around 900, or more likely in the early tenth century, in the forms *Denimarca* in Regino of Prüm's chronicle and *Denamearc* in the *Old English Orosius*.

37 Malmesbury, *Gesta regum Anglorum*, p. 193.

38 *The Old English Orosius*, p. xxiii; *The Anglo-Saxon Chronicle*, p. xi note no. 3.

39 "Impletusque est numerus annorum ab incarnatione dominica quadringenti et quadraginta nouem ... nam illis diebus agilem audierunt esse piratico in opera gentem Saxonum in tota maritime a Rheno fluuiio usque Doniam urbem, quæ nunc uulgo Danmarc nuncupatur, ac in omni armature robustam." Æthelweard, *Cronicon Æthelweard. The Chronicle of Æthelweard*, ed. A. Campbell (London, 1962), pp. 6–7.

40 *DMA, passim*; *Annales regni Francorum*, p. 166.

Other forms than the two latter names for the land of the Danes can be found in two Danish sources probably from the tenth century. On the smaller of the two runic stones at Jelling in south-eastern Jutland, King Gorm commemorates his deceased wife, Thyra, and praises her as *tanmarkar but* (Denmark's restorer). With reference to the parents, their son, Harald Bluetooth, boasts on the largest stone of how he won all of Denmark (*tanmaurk*) and Norway (*nuriak*) and Christianized the Danes (*auk tani kristna*).⁴¹ If the stones were erected by Gorm and Harald, which we cannot be certain of, they can be dated historically to the second and the third quarter of the tenth century respectively. However, the Jelling runic stones could very well have been erected by later Danish political leaders. In that case it could very well have been Sven Magnus (1047–1076) in an attempt to solidify his power in Jutland.⁴² The form *tanmarku* can be found on a runic stone at Skivum in northern Jutland. In the text, the mother Thyra and the sons Odinkar and Gudmund commemorate their husband and father and praise him as the best and first of *lant mana* in Denmark. The style of inscription is comparable to the Jelling stones and the stones are probably contemporary.⁴³

In any case it can be concluded that the sources show that in respect to the use of the designation Denmark by ambitious Danish leaders, this term was used about two and a half centuries after the first appearance of the name in the Latin form *Dania*. However, only some half a century after the designations *Danimarca* and *Denamearc* can be read in continental and English chronicles they were used in twisted Nordic forms on runic stones by prominent leaders. Thus, the latter forms of the name of the land are much younger than the term of the inhabitants of the land. If the appearance of these particular terms in the sources is a true chronological reflection, which of course is far from necessarily the case, a privilege issued by the German-Roman Emperor Otto I from 965 probably might unveil the origin of the name Denmark in the forms *Denimarca*, *Denamearc*, *Tanmarurk*, etc. The diploma grants all “servos et colonos” living on the estates of the churches in Schleswig, Ribe, and Aarhus exemption from services and any person's authority except the churches in question “in marca vel regno Danorum” (the mark or the realm of the Danes).⁴⁴ Obviously the scribe, and presumably also the emperor or at least his officials,

41 *Danmarks Runeindskrifter*, ed. Lis Jacobsen and Erik Moltke (Copenhagen, 1942), cols 65–78.

42 Nils Hybel, *Danmark i Europa 750–1300* (Copenhagen, 2003), pp. 79–80.

43 The meaning of *lant mana* has been disputed. Landowner, resident, and the best man in northern Jutland have been suggested. *Danmarks Runeindskrifter*, cols 170–171.

44 *DD*, vol. 1.1, no. 330.

was uncertain whether the land of the Danes should be considered a realm or a mark—no wonder considering the geopolitical situation in the tenth century. In the two decades after 965, Harald Bluetooth tried to loosen the bonds to the German-Roman empire, but Otto I's letter itself shows that from a German perspective the lands of the Danes was considered a borderland dominated by the emperor, i.e. a *marca*.⁴⁵ This opinion is upheld in a privilege to the churches in Ribe, Schleswig, Aarhus, and Odense issued by Emperor Otto III, even though the churches are now unambiguously referred to as being situated "in regno Danorum".⁴⁶ The emperor could hardly give privileges in a territory he did not think he controlled. German missionary chronicles of course underpin the German-Roman emperor's view and it is substantiated by archaeological evidence too.⁴⁷ Hence, the hostile Northman borderland (*confinibus Nordmannorum*) north of the Saxons was called a *marca* in the *Annales regni Francorum* after Harald Klak in 825 became a Frankish vassal, and later in an Ottonian perspective specified as the subordinated *marca Danorum* too.⁴⁸

Denmearcon is mentioned in a diploma from around 1020 issued by Cnut the Great, who is the first king explicitly proclaiming himself to be king of Denmark—and not only that. In a diploma from the second half of the 1020s he is presented as "Canutus, rex totius Anglia et Denemarcliae et Norreganorum et partis Swavorum".⁴⁹ While it is common in foreign literature and diplomas to read about kings of the Danes, the first person claiming to be ruler of the Danes is King Cnut the Holy's (1080–1086) widow, Adela, who about 1090 styled herself "Dei gratia Danorum regina" in a letter which is also the first Danish source mentioning Danes apart from the largest of the two Jelling runic stones claiming, as mentioned above, that Harald Christianized the Danes (*tani*). Adela is also the first who has handed down a document to posterity presenting the formula, "Dei gratia Danorum". The first preserved letter from a king using it is from the beginning of the twelfth century. In this letter King Nils is styled as "Nicholaus Dei gracia rex Danorum". Hereafter the formula *gracia rex* becomes

45 *Marca* is a Frankish word meaning borderland. Under the Carolingians the word spread throughout Europe. In the Middle Ages, a *marca* was ruled over by a *Marguess* (England), *Marquis* (France and Scotland), or a *Markgraf* (Germany) in comparison to the heartlands of the medieval kingdoms ruled by counts. See chapter, *Marca, feudum, and Sovereignty*.

46 *DD*, vol. 1.1, no. 343.

47 Hybel 2003, pp. 73–84.

48 See the chapter, *Marca, feudum, and Sovereignty*.

49 *DD*, 1.1, nos 398, 422.

ordinary in royal Danish charters.⁵⁰ In 1152 one of the Danish pretenders, Sven Grathe, called himself “rex Swein de Tenemarch”. It is suggestive that the initial letter is “T” like on the Jelling runic stones, not the “D” used in the earliest foreign sources and in later Danish sources too.

A couple of decades earlier in the late 1130s the Latin *Dania*, previously used by the anonymous Ravenna geographer around 700, was adopted in *Chronicon Roskildense*. The same form, *Dania*, was employed by Adam of Bremen in his history of the Hamburg archiepiscopal see some eighty years before. Later, around 1200 Saxo did the same in his *Gesta Danorum*.⁵¹ In contrast, as mentioned above, Danish medieval annals used the Latin form *Dacia*. This form of the name “Denmark” appears for the first time in Ælnoth’s hagiography of King Cnut the Holy in Odense written in the first years of the 1120s.⁵²

The term *Dani* was known in the late antique and Frankish literature for at least four hundred years before it appears in a source originating from within the territory of what later became medieval Denmark. The first appearance of the term was in the form *tani* on the larger of the two runic stones at Jelling claiming that Harald Bluetooth Christianized the Danes. This chronology must of course be seen in the context that written sources, i.e. runic stones, produced within the borders of medieval Denmark before 1000 are few and very laconic. Nevertheless, whoever wrote the words on the largest runic stones at Jelling, the term *tani* was probably a means to induce a sense of community and arouse concerted action—and that was presumably the use of the word *tanmaurk* too.

Harald Bluetooth allegedly won all of Denmark and Norway. It is impossible to establish the geographical extent, not to speak of the nature, of Harald’s power, but by using the term *tanmaurk* he deliberately, or unconsciously, signalled subordination in line with the political realities or at least the German aspirations of exercising imperial power over the *marca* of the Danes. In any case, relatively soon after the name *Denimarca*/*Denamearc* appeared in West Frankish and English sources it was, in twisted Nordic forms, turned in favour of

50 DD, 1.2, nos 23, 32.

51 *Chronicon Roskildense*, p. 15. *AB passim*; Saxo, *passim*.

52 “Principum Duci præcipuo nobilium Primcerio, pio invicto, magnifico, Daciæ Provifori ferenissimo, tam specie, qvam & nominis dignitate, illustrissimo Regi, Nicholao, divini officii ministrorum infinus, Ailnotbus, Cantii Anglorum Metropolitana urbe editus, jam vero Daciæ qvatuor qvingvenniis bis fere vinis annis demoratus, hostium virews virtute divina subvertere contumacium colla potentia pede proterere, regni jura decenter felicitatis beatitudinne ditari ... Hæc ego Ailnothus, Sacerdotum infimus, Anglorum orbe editus, & Daciæ partibus annis numerosis peregrinatus, tibi, Rex præclare & Martyr pretiose, tua exarando gesta, dictavi”, Ælnoth, pp. 327, 389.

the claimants to the authority of this *marca*. It might seem ironic that Danish leaders in the tenth century adopted a term with a connotation of subordination, but that is in fact what they did. Maybe they were unaware of this connotation. Maybe they accepted it and took advantage of it. The latter is very plausible. As we see in chapter on *marca*, *feudum*, and sovereignty, the name corresponded quite well with the status of the lands of the Danes in extended periods up to around 1200—at least in the eyes of the German emperors. In contrast, medieval Danish chroniclers preferred the Latin terms *Dania* and *Dacia*, maybe because they felt uneasy about this at times not very flattering status of the country. However, no matter what term was used, *Denamearc*, *Dania*, *Dacia*, etc., the question is what was meant by “Denmark” in terms of a territory under control of a ruler, i.e. a realm.

The Geopolitical Area of Denmark before the Mid-Eleventh Century

In the chapter on tax the *Beowulf* poem was quoted for a passage in which the hero of the Geats and defender of the Danes, Beowulf was given seven thousand hides (*bold*) of land by the Danish king Hrethel. In continuation, the poem claims that those living on the land had customary right to it while the realm belonged exclusively to the most distinguished, namely the king.⁵³ As accounted for above, this work has been dated between the eighth and the eleventh centuries. The only surviving manuscript of *Beowulf* has been dated paleographically to circa 1010. Assuming that the palaeographers are right in their dating of the manuscript, it has been convincingly argued that the poem was copied and maybe even created sometime after 1016.⁵⁴ The accentuated

53 *Beowulf*, pp. 132–134.

54 The argument is that it is unlikely that a poem speaking of the Danes as a dynasty of unparalleled sovereignty and influence could have been created, or even copied, in Late West Saxon during the reign of Æthelred, from 978 to 1016. On the other hand, it is argued that both the creation of *Beowulf* as a true representation of the Danish realm in Cnut the Great's time, as well as the copying of it, become not only credible activities but desirable and officially approbated efforts during his reign (1016–1035). Kevin Kiernan, *Beowulf and the Beowulf Manuscript* (Ann Arbor, 1996); a study of literal confusion of single letters in the manuscript text has hypothesized three stages of transmission: one early eighth-century version, a copy made c. 900, and the extant manuscript dated a few years after the year 1000. This textual critical date was recently modified by an ethnic dating suggesting a West Saxon version from the late ninth century. Michael Lapidge, “The Archetype of

passage indicates that the anonymous author of the poem was conversant with the distinction between customary right of land and the right of a realm, i.e. the right of a territory including a multitude of areas held by individuals with customary rights over their plots of land. It is indeed not surprising that an educated English author would have that kind of knowledge in the first half of the eleventh century, and it is very likely that the elite in Denmark at that time had it too. But what do we know about the geopolitical area of Denmark within the centuries examined by this study?

The Frankish Empire was in the north demarcated by the Eider, which in 800 was the border with the Northmen. At the Eider, Northman delegates negotiated a peace with envoys of the emperor in 811. The Frankish annals also tell that King Godfred had a fortification built along the north bank of the Eider from the Baltic Sea to the North Sea. The latter is hardly true, but the rampart Dannevirke did exist at this point. In the Frankish annals we read about Schleswig, Jutland, maybe about Funen, when it is told that Godfred's sons retreated to an island because imperial forces crossed the Eider in 815 and invaded Schleswig and Jutland, Vestfold in Norway, which Harald and Reginfred in 813 had conquered, as parts of Northman/Danish territory.⁵⁵ In general, the Frankish annals inform only about the parts of Northman territory where the Danish warlords that the Franks were directly confronted with lived, and, as we saw in the chapter on war and peace, these warlords were constantly infighting. The annals give no information about the power configuration on Funen, Zealand, and Scania. Consequently, anything comparable to the medieval Danish realm hardly existed in the ninth century—we have absolutely no indications of such a realm in that century.

Nevertheless, Othere's geographical account of Denmark in the *Old English Orosius* from around 900 is reminiscent of the territory of the later Danish medieval kingdom. Othere refers to Halland and Scania, today parts of Sweden, Jutland, Schleswig, and the Danish islands as parts of *Denemearc*.⁵⁶ We have, however, no unambiguous indication of a united Danish realm being commensurate with the territory of Denmark accounted for by Othere, in the beginning of the tenth century, nor in the rest of the century, even though the chapter on historiography showed the presence of a historiographical tradition maintaining this point of view.

Beowulf", *Anglo-Saxon England* 29 (2000), 5–41; Craig R. Davies, "An Ethnic Dating of *Beowulf*", *Anglo-Saxon England* 35 (2006).

55 *Annales tegni Francorum*, anni 808, 811, 813, 815.

56 *The Old English Orosius*, pp. 16 ff.

Only very few written sources enlighten the history of the Danish realm from about 880 until the mid-tenth century. We are largely reliant on Adam of Bremen's much later history of the Hamburg-Bremen archbishopric written in the 1070s, whose main source on Nordic matters is reportedly Adam's contemporary, the king of the Danes, Sven Magnus. According to Adam, the German King Henry I (919–936) invaded the land of the Danes and subjugated their king. Hereafter King Henry drew up the border at Schleswig (*Sliaswic*) which today is called Hedeby (*Heidiba*).⁵⁷ Adam of Bremen here draws the southern border of the land of the Danes further north compared to his later account of the geography of Denmark, which we will come back to, in which he places the border at the Eider, like the Frankish annals did some two centuries before. Adam provides no indication of the territorial extent of the land of the Danes invaded by the German king Henry.

Previously we discussed the two charters indicating that the German emperors, Otto I and III, regarded Denmark as a part of the German-Roman Empire. These charters indicate that in 865 Jutland was divided into three sees, namely Schleswig, Ribe, and Aarhus, and later in 988 Odense on the island of Funen was added. Otto III apparently considered the land of the Danes a realm including Schleswig, Jutland, and Funen. In addition, Adam of Bremen indicates some hundred years later that the land included all of Jutland up to the outer sea and he confirms that “the part of the land of the Danes on this side of the ocean [i.e. presumably Jutland] was divided into three sees”.⁵⁸ Perhaps this was the territory that the runic stone at Jelling referred to when it boasted that Harald Bluetooth won all of Denmark.⁵⁹ However, Adam of Bremen and Sven Magnus expand it indirectly to have also included Zealand, when they tell about the death of Harald Bluetooth—the colourful tale of Harald's obsequies from the terrible pagans in Jomsborg to his native soil where he was buried in Roskilde on Zealand, in the church he had built himself in honour of the Holy Trinity.⁶⁰ This is an expanded version of the story about Sven Forkbeard's struggle against his father presented by *Encomium Emmae Reginae* some thirty years before Adam's account from c. 1070. The anonymous author only tells that Sven's father died among the Slavs, and he does not mention the name of the father.⁶¹ Adam of Bremen's version of the story is rather inconceivable. Harald is not listed in the necrology of the church in Roskilde. The first memorandum in it

57 AB 1.48, 1.57.

58 AB 2.3.

59 *Den Store Danske Encyklopædi*, vol. 10 (Copenhagen, 1998), p. 57.

60 AB 1.3, 2.27.

61 *Encomium Emmae Reginae*, 1, p. 9.

is strikingly enough King Sven Magnus's death in 1074.⁶² He was, as mentioned before, Adam of Bremen's main source for the history of the Danish kings, and Sven Magnus's kingship based in Zealand and Scania had obvious genealogical reasons to be connected with the Jelling dynasty.⁶³ In contrast, there is no information connecting Harald Bluetooth with the easternmost medieval Danish province, Scania.

During the time of Harald Bluetooth, the rampart Dannevirke on the south border was reinforced. The ring castles *Fyrkat* and *Aggersborg* in Jutland, *Trelleborg* and a recently excavated ring fort at Køge on Zealand, together with *Nonnebakke* near Odense on Funen were supposedly also built in Harald's day.⁶⁴ This theory cannot be verified, although it may be true. Even if it is true, the ring forts do not substantiate the idea that Harald permanently ruled a realm including Zealand and Funen. It is mentioned in the chapter on war and peace that the Danish ring forts are not mentioned in written sources and that they seem only to have been used for a short period of time. It was quite common for the Northmen and other peoples during campaigns to erect temporary fortifications as winter quarters. We saw such a practice mentioned by Regino of Prüm above, when the Northmen from *Danimarca* settled for the winter at the Rhine. The Danish ring castles are not unique viewed in a North European context. The Danish ring forts could have been built by local rulers or foreigners campaigning on the Danish islands. From the point in time when sources in Danish are handed down to us we can read about how the Wends ravaged the lands of the Danes. It seems plausible that this recorded traffic was a continuation of earlier practice and, as mentioned before, we have narrative sources telling about German kings and emperors' invasions of Schleswig and Jutland.

In Sven Forkbeard's time the Northman raids on the British Isles were raised to a higher level. He organized two great campaigns in 991 and 994, and reportedly returned to England in 1003 and 1004. In 1013, Sven attacked eastern England from Sandwich in the south to Humber in the north. His Danish rival, Thorkel, had joined with the king of southern England, Ætheldred, but Sven

62 *Liber daticus Roskildensis* (Copenhagen, 1933).

63 See the chapter, Genealogy.

64 P. Nørlund, "Trelleborg", *Nordiske Fortidsminder* 4.1 (1948); Olaf Olsen and H. Schmidt, "Fyrkat 1", *Nordiske Fortidsminder*, ser. B, 3 (1977); Else Roesdahl, "Fyrkat 11", *Nordiske Fortidsminder*, ser. B, 4 (1977); Else Roesdahl, *Skalk* 3 (1977); N. Bonde, *Nyt fra Nationalmuseet* (1979 and 1980); H. Andersen, *Journal of Danish Archaeology* 1 (1982); H. Thrane, *Fra boplads til bisbeby. Odense til 1559* (Odense, 1982); H. Andersen, *Skalk* 2 (1984); Søren M. Sindbæk, "Aggersborg og andre borge", in *Aggerborg i Vikingetiden. Bebyggelsen og borgen*, eds Else Roesdahl et al. (Aarhus, 2014).

overcame this coalition two months before he died.⁶⁵ Unfortunately, we are better informed about Sven Forkbeard's doings in England than in his homeland. It is impossible to sketch the extent of his rule in the lands of the Danes, but we do know that his power was not unchallenged by other Viking leaders, such as the Thorkel mentioned above. The same can be said about his son Cnut the Great. When his father died, "all the fleet elected Cnut king".⁶⁶ Cnut was king in England for nineteen years and he spent more than three quarters of his life there. In Denmark, mints were established in several places. It is fairly certain that coins were minted in Lund, Roskilde, Ringsted, and Orbec in Cnut's time.⁶⁷ Coins were probably also minted in Viborg, but not in Ribe, Schleswig, or Odense it is worth noting.⁶⁸ The appearance of and inscriptions on the coins seem to show that English mint-masters were called in or migrated to Denmark on their own initiative to conduct this minting. Provided that the mints indicate the extent of the realm, they suggest that King Cnut did not control the important landscapes Schleswig and Funen. As argued in the chapter on tax, minting and the ability to enforce monetary monopoly in certain important towns do not, however, in themselves imply governmental and/or military control over the hinterland and the countryside in general. Consequently, it is indeed a delicate matter to give evidence about the extent of the Danish realm in Cnut's reign, and it becomes even harder to define the nature and area of the realm in the turbulent decade after his death in 1035.⁶⁹

It has been suggested that the organization of military forces is the oldest form of central government.⁷⁰ According to the *Anglo-Saxon Chronicle*, "all the fleet elected Cnut king", when Sven Forkbeard died. In the Viking Ages, the royal armies or fleets were composed of warlords and their men, and the king was king because of the consent of the army or the fleet. Hence, it might be argued that the nature of the Viking realm was this combination of a king who met with the approval of an army or fleet of warlords and their retainers. The area of the Viking realm has against this background been defined as the entity of the localities from where the royal followers came.⁷¹ This is, however, an clumsy definition. Firstly because, as we see in the chapter on war and peace, royal followers were sometimes an ethnically mixed assembly, and secondly

65 *The Anglo-Saxon Chronicle*, pp. 82–83, 86–87, 92–93.

66 *Ibid.* 93.

67 Orbec has not been located.

68 *Tusindtallets Danske Mønter* (Copenhagen, 1995).

69 See chapter, War and Peace.

70 Inge Skovgaard-Petersen, "Vikingerne i den nyere forskning", *HT* 12.5 (1971), p. 709.

71 Niels Lund, Preface, *Lid, leding og landeværn*.

because we have little information about the provenance of royal retainers before the Middle Ages. It is dubious whether one can speak of a Danish realm in the Viking Ages in terms other than an area partially and at times controlled by a political party under royal leadership, and even that is complicated as the previous study of the geopolitical area of Denmark before the end of the eleventh century has ventured to demonstrate.

Towards the Formation of a Realm

Adam of Bremen begins the fourth book of his history of the Hamburg Church with a description of the islands of the North. With reference to Rimbert's *Vita Anskarii*, Adam tells that the land of the Danes almost entirely consists of islands and that the Eider is the border river between *Daniam* and Adam's countrymen the *Nordalbingis*. This account is part of Adam's wider delineation of the geography of the pagan north and east of Europe. Besides this geographical perspective the aim is, as in his work in general, to account for the mission of the Hamburg church and the progress and setbacks of the ecclesiastical organization in these barbarian parts of the world. Thus, we find the first ecclesiastical division of the land of the Danes into dioceses in section one to nine of the fourth book. Adam tells that Emperor Otto during his campaign up through Jutland divided this peninsula into three sees: Ribe, Aarhus, and Schleswig. Later the archbishops invested Heribert in Viborg, and the first bishop of Vendsyssel (*Wendila*) was the monk Magnus.⁷² As a result of this, Jutland was now divided into five dioceses. The sixth see was placed on Funen and the seventh on Zealand, while King Sven Magnus, Adam's informant, reportedly divided Scania into two dioceses and invested Henry as bishop in Lund. According to Adam of Bremen, the bishop in Dalby was on the other hand invested by the archbishop in Hamburg-Bremen. Likewise the first four bishops in Ribe received the diocese as a donation from King Sven, and the number of churches reached three hundred in Scania, 150 each on Zealand and Jutland, while there were only one hundred churches on Funen.⁷³ No wonder that Adam of Bremen finds King Sven loyal, obedient, and indulgent to Archbishop Adalbert in Hamburg, despite the fact that Sven suffered from the common, inborn depravities among the barbarians—self-indulgence and women.⁷⁴ Adam had an ambiguo-

⁷² *AB* 4.1–2.

⁷³ *Ibid.* 4.2, 4.7–8.

⁷⁴ *Ibid.* 3.21.

ous attitude to his principal narrator of Nordic affairs, and his account of ecclesiastical progress in the North must be read with reservations. First of all, it was dedicated to Archbishop Liemar “as an expression of Adam’s sincere devotion” in order to tell the world about the great missionary achievements of the archbishopric in Hamburg during a period when the archbishopric was challenged by English clergymen in the North. Secondly, King Sven was probably interested in appearing as a great, legitimate king of an ancient, royal lineage.

Nevertheless, the spread of Christianity, foundation of churches, and the implementation of an ecclesiastical organization in pagan areas evidently acquired sympathy and political and military support from local leaders, such as King Sven. How far we are justified reading Adam of Bremen as giving an actual account of the status of the Roman Catholic Church in the North and hence an indication of the extent of the Danish realm in King Sven’s time is a delicate question. According to the text, the king was involved in the foundations of the dioceses of Ribe in south-western Jutland and Lund and Dalby in Scania. It is also told that the pirates on Zealand, called *wichinger* in the local tongue, paid tribute to the Danish king in return for the right to plunder the neighbouring barbarians, and that they sometimes abused this right against their own countrymen.⁷⁵ Although this passage is a somewhat contradictory indication of the king’s power on Zealand, due to other information about King Sven’s reign discussed in the chapter on war and peace it seems likely his power base was eastern Denmark, i.e. Scania and Zealand, and perhaps southern Jutland. The sources provide no basis for concluding that Sven Magnus had control over national military forces. A commonly accepted parameter of the extent of Sven’s realm is that he presumably gained gradual control over monetary circulation hitherto unknown in the country. In the last decade of his realm minting was carried out in Lund, Roskilde, Ribe, Viborg, and Schleswig. As argued above the enforcement of a monetary monopoly in certain important towns does not in itself imply governmental or military control over the hinterland and the land in general. It is in any case remarkable that the distinction between light coins from Jutland and heavier coins from eastern Denmark, introduced in the time of King Cnut the Great, was re-established and continued into the thirteenth century.⁷⁶ Also Ælnoth, the English monk in Odense, who was writing the hagiography of Sven’s son, King Cnut the Holy, refers to Sven as the leader of easterners and southerners, while his rival, the Norwegian king Magnus, is mentioned as the leader of the northerners and westerners, before Magnus

75 Ibid. 4.6.

76 Hybel and Poulsen, *The Danish Resources*, pp. 328–329.

died and Sven got control of his native country.⁷⁷ According to Adam of Bremen, Magnus was popular with the Danes because of his justice and bravery, while Sven was helped by the Swedish king in his fight with Magnus.⁷⁸

It seems like King Sven based his power primarily in the eastern parts of the country. One and a half centuries later Saxo, however, contradicts this belief. As mentioned in the chapter on war and peace, Saxo tells that Skjalm Hvide, the ancestor of the renowned Hvide clan, commanded the men from all of Zealand and that Sven assembled the Jutes and supplemented them with men from Scania and Zealand. If this diachronic chronicle can be trusted, King Sven's realm, with the reservation of Skjalm Hvide's power on Zealand, included Zealand, Scania, and Jutland insofar as he reportedly recruited men from these provinces. The Scanians, however, broke the unity of the fleet and deserted, and the Wend, Gudskalk, was one of King Sven's retainers, but Wendland can hardly be included in Sven's realm on basis of this criteria. In contrast to the Norwegian king Magnus, King Sven had not much authority over the Danish population, and there is in Saxo's account nothing to suggest that he could muster a national army. It is dubious whether one can speak of a Danish realm in the time of King Sven in terms other than an area controlled by a political party under royal leadership, and even that is absolutely not certain continuously from when he became king in 1047 to his death in 1074.

It was the same with his renowned son, Cnut the Holy. We have seen in the chapter on war and peace that the anonymous hagiography of King Cnut tells that Cnut organized an expedition to England as a measure to teach the barbarian Danish people Christian values, and bring the unchristian part of the chiefs under royal command. This statement indicates the trouble King Cnut probably had bringing the military forces of the land under control. The outcome of his effort in this respect underlines that King Cnut could not bring together and lead a national army; not even a Jutlandic fleet he had the power to command. The bad part of the fleet aroused the crowd and almost all the Jutes rose in rebellion against the king, and pursued him down through Jutland from where the king escaped to Odense only to be killed by natives of Funen. The king was evidently not betrayed by all men, but the royal party was not strong enough to fight the rebellious coalition of Jutes and men from Funen.

Whether we define the realm as the entity of the localities from where the royal followers came or an area controlled by a political party under royal leadership, the realm of King Cnut seems to slip away. He obviously did not control

77 *Ælnoth* 2.

78 *AB* 2.79, 3.12.

Jutland and Funen, and we do not know exactly from which parts of the country he recruited his followers and their men. Due to the absence of men from Zealand and Scania in the rebellion against the king, it is tempting to conclude that King Cnut, like his father, had based his power in eastern Denmark. Previously in the chapter on tax we saw that the *Chronicon Roskildense* maintains that King Cnut tried to impose a poll tax on the population, and the chronicle claims that it was this measure that led to a rebellion and the assassination of the king. Unfortunately, we have no further information about this tax, neither do we have any information of administration relevant to a possible tax collection from the King Cnut's reign. Ælnoth, writing around 1120, mentioned that King Cnut's Crown lands were managed by *exactores* and *provisores* though.⁷⁹ Also the titles *dux* and *stabularius* appear in King's Cnut's charter to the cathedral under construction in Lund from 1085, but it is uncertain what these titles covered.⁸⁰ Titles which can be associated with royal administration of the realm can only been found in the time of King Nils (1104–1134).

Saxo tells that soon after the unpretentious Nils had ascended the throne, he reduced the number of his retainers (*militiam*) to six or seven shields.⁸¹ Historians have traditionally interpreted this token of humility as an administrative innovation relocating a number of his retainers to be royal representatives around the country. The titles *comes*, *stabularius*, *camerarius*, *dux*, and *villicus* have been read as officers of the Crown. It has been held that this use of the royal retainers as local royal officials began already in the late eleventh century.⁸² The two titles, *dux* and *stabularius*, listed in the above-mentioned charter from 1085 have even been read as an introduction into society of a lay government built on fixed offices just like ecclesiastical government.⁸³ We are, however, only poorly informed about these titleholders' relations to the king and whether their possible power was delegated from him. In only two charters from King Nils's reign some of these titles are recorded. Ubbe *comes*, the king's brother-in-law Åge *camerarius*, Jens, Vide and Ulf *stabularii* witnessed a donation to St Cnut's church in Odense, and another donation to the same institution is witnessed by among others Ebbe *villicus*.⁸⁴

79 Ælnoth 17, 19.

80 *DD*, 1.2, no. 21.

81 Saxo 13.1.1.

82 Arup, *Danmarks Historie*, vol. 1, pp. 181, 189; Christensen, *Kongemagt og Aristokrati*, p. 32; Paludan, "Flos Danie", pp. 500 ff.; Niels Skyum-Nielsen, *Kvinde og Slave*, p. 39.

83 Fenger, "Kirker rejses alle vegne", p. 80.

84 *DD*, 1.2, nos 32, 34.

It has been convincingly argued that the function of the *camerarius* cannot be established on the basis of twelfth-century sources. In this century, the title appears in various contexts and it is not possible to construct a consistent pattern. *Stabularius* is the most common profane title used in charters and seems in the twelfth century to have been a title of status rather than of office. No particular functions can be associated with the title, and the king was not the only one surrounded by *stabularii*.⁸⁵ A *villicus* was a person of high status.⁸⁶ In twelfth-century charters, as well as in Saxo and Sven Aggesen's works, the title *villicus* is applied to important persons, but they cannot be linked to any fixed royal administrative office. In the second half of the century we find charters mentioning *villici* with provenance on certain locations: Slangerup, Ramløse, and Avderød, on Zealand.⁸⁷ The *villicus* of Ramløse witnessed two charters issued by Bishop Absalon and King Cnut VI.⁸⁸ These *villici* were probably agrarian managers and/or bailiffs, perhaps with some legal and fiscal power. The *villici* could, however, also be tenant farmers. From 1184 onwards we find them as leaseholders of ecclesiastical manors. In the following centuries, still more tenant farms appear in the sources. The system of farming out manors was widespread on religious land from the 1230, while it is not directly detectable in the sources covering the lay estates before the fourteenth century.⁸⁹

King Nils's administration was hardly so advanced that it acquired a fully developed medieval bureaucracy and offices of the Crown corresponding to the various titles found in the sources from the twelfth and thirteenth centuries. It is, indeed, dubious how far-reaching King Nils's power was in his realm at all. In the chapter on war and peace we saw that it was difficult to determine from which part of the country exactly he found political and military support. His reign is characterized by an unprecedented gallery of great men with their own private military forces and some of these men were rather independent regional lords. Falster, Lolland, Schleswig, and Halland were, according to Saxo, *praefecturae*, the origins of which are obscure. Some of these seem to have had status of a *marca*. The first known duke of Schleswig was Eliv. He was convicted of treason by King Nils and lost his duchy (*prefecture beneficio*), according to Saxo. The noble Cnut Lavard subsequently bought this vulnerable duchy from his uncle, King Nils, with great success, as we saw in the chapter

85 Hermanson, *Släkt, vänner och makt*, pp. 63–62.

86 The Nordic word for villicus *Brythi* means the one who breaks the bread.

87 Thomas Riis, "Villici og coloni indtil 1340. Et forsøg på begrebsanalyse", in *Landbohistoriske studier tilegnede Fridlev Skrubbeltrang*, ed. S. Gissel (Copenhagen, 1970), pp. 2, 7, 12 ff.

88 *DD*, 1.2, no. 162; 13, no. 179.

89 Nils Hybel, "The Creation of Large-Scale Production in Denmark".

on *marca*, *feudum*, and sovereignty. Actually Cnut's success was so great that envy brought him to trial facing accusations of having taken the title of king.⁹⁰ Whether or not this story is true, it can hardly be doubted that Schleswig had a status within the Danish realm comparable to the status of the parts of Wendland in the German-Roman Empire that Cnut received from the German emperor. Nevertheless, Schleswig was considered part of the Danish realm. The same can be said about the "small islands" (*minorum insularum*) where King Nils had installed his son-in-law, Ubbe, who was killed by Eric of Götland (*Ericus Gothorum prefectus*) and Falster (*Erico Falstrie prefecture*).⁹¹ We do not know what Saxo meant by the "small islands". Presumably he referred to the islands facing the Baltic Sea south of Funen and Zealand. Perhaps they included Falster. In that case Ubbe and Eric might have been rivals.

In King Nils's time we see the contours of a Danish realm including the main provinces Jutland, Funen, Zealand, and Scania and the duchies Halland, the small islands, Falster, and Schleswig. The dukes of the two latter duchies were also associated with land beyond the Danish realm or downright enfeoffed with land by neighbouring kings—Eric of Falster was *Gothorum prefectus*—a landscape in south-western Sweden which King Nils's son, Magnus, had interests in.⁹² The duke of Schleswig, Cnut Lavard, in 1129 gained the Abodrite prince Henry as a follower, as German king Lothar of Supplinburg's vassal and in the following year expanded the Slavic territories under his control.⁹³ In Ælnoth's dedication to King Nils in his biography of King Cnut, "who now undoubtedly should be called the Holy",⁹⁴ as Ælnoth put it, King Nils is referred to as "the elevated ruler of Denmark". The question is in what sense and how King Nils did rule Denmark. Parts of the realm were enfeoffed to vassals who in the end did not pay the king much respect, and, as hinted at above, we have no real information on how government was conducted, if we can talk about royal government under King Nils at all. The pope certainly regarded Nils as the rightful authority when he emphasized his royal duties in a charter from about 1107, but it is not possible to determine whether he had the power and will to fulfil these duties in Denmark, except the main request in the letter—the demand for celibacy.⁹⁵ According to the *Chronicon Roskildense* it was the

90 Saxo 13.2.7, 13.3.2, 13.5.8–9.

91 Ibid. 11.14.16, 13.1.4, 13.6.6, 13.11.7.

92 Philip Line, *Kingship and State Formation in Sweden 1130–1290* (Leiden, 2007), pp. 81–82, 92.

93 Albrechtsen, "Konger og krige", p. 65.

94 Ælnoth, preface.

95 *DD*, 1.2, no. 41.

Zealand magnate, Peder Bodilsen, who by advice of his chaplain took legal action against the clergy, claiming that those who had wives should send them away.⁹⁶ Archbishop Asser of Lund seemed not to have thought too much of King Nils's authority. Asser was officially appointed by Pope Honorius II to undertake missionary work among the people of Rügen. Therefore, Bishop Otto of Bamberg approached the archbishop and asked him permission when he too wished to contribute to this noble enterprise. The archbishop replied, that "he could not say anything immediately, because he had to have time to take counsel with the Danish princes and magnates".⁹⁷ This excerpt from Herbord's *Dialogus de Ottone episcopo Bambergensi* seems to indirectly indicate the rather weak status of kingship in the late 1120s, only a few years before rebellion broke out after the assassination of Cnut Lavard.

Only a few royal charters have survived from King Nils's reign. Three of them are donations to the church in Odense and one of the charters is a ratification of a monastery on the same location, where Ælnoth sat and composed the hagiography of Nils's brother Cnut.⁹⁸ Thus, no trace of King Nils's possible nationwide authority has survived in charters. Besides the charters, of which the latest is from 1117, we do not have much contemporary information of the first twenty years of Nils's reign, and the turbulent events beginning with the assassination of Cnut Lavard in 1131, accounted for in the *Chronicon Roskildense*, only gives a flickering image of who and which part of the country supported the king in his agony until he was treacherously killed in the town of Schleswig in 1134, together with the magnate supporters he had left. On top of that we have not found many signs of a royal administration except the empowerment of vassals insofar as their power was based on delegated royal power at all. The king shared the power in the realm with other groupings of magnates, such as the Bodil, Skjalm, and Trundsen families, Eric of Falster, and Cnut Lavard. The power in the realm was not concentrated in the hands of one central ruler. In the beginning of the 1130s there were several rulers located in different parts of the country. The realm can, therefore, neither be defined as the area of the localities from which the royal followers came nor the territory controlled by a political party under royal leadership. The term realm was, when applied to Denmark until 1146, a territory formally under central, royal control, but in reality split up in a complicated pattern of different power blocks. In the following decade, not even that image holds true.

96 DMA, p. 26.

97 Ibid. nos 50, 51, 52.

98 Ibid. nos 32, 34, 35, 42.

During the eleven-year dynastic conflict between Sven Grathe, Cnut Magnusen, and Cnut Lavard's son, Valdemar over the Danish throne in the years 1146–1157, more than one king was a figurehead in Denmark. After the death of King Eric Lam in 1146, Cnut was elected king by the Jutes, and on Zealand Sven was made king. Saxo tells that the “Zealanders were very interested in getting support for the king they had elected from their neighbours” and through a trick they made the Scanians support their king.⁹⁹ In consequence two peoples shared a king and formally, according to Saxo's standard introduced in the beginning of this chapter, there was a realm consisting of Zealand-Scania and, on the other hand, a realm or kingdom consisting of Jutland. This was, however, completely inconsistent with Saxo's way of thinking—the destination of history being an aggregate of a united Danish people and a sovereign Danish realm. During the following conflict the two pretenders, among other efforts to achieve this goal, approached the German emperor, both claiming that they were king of Denmark, in order to persuade him to resolve the conflict. As we saw in the chapter on *marca*, *feudum*, and sovereignty, Sven Grathe received the realm of the Danes and paid homage and gave an oath of fealty to Frederick Barbarossa. Cnut Magnusen and Valdemar received duchies in Denmark from the German king. According to Saxo, Cnut Magnusen held three separate fiefs in Zealand, Jutland, and Scania from Sven Grathe.¹⁰⁰ Thus, the Danish realm was re-established, but it did not last long. Only when Valdemar became sole regent in 1157, after both his rivals had been killed, did the restoration of the realm become permanent.

The Danish Realm

In the preface to the *Gesta Danorum*, Saxo dedicates his work to Archbishop Anders Suneson (1201–1223) and King Valdemar II (1202–1241). The latter is praised for having amplified his paternal inheritance and expanded the realm (*regni*) by subjugating the neighbouring peoples and extending his rule beyond the Elbe into Roman imperial territory.¹⁰¹ Saxo is presumably referring to when Valdemar, according to *Arnoldi chronica Slavorum*, bridged the Elbe south of Hamburg in 1208.¹⁰² The consequence of this thinking is that Valdemar's realm included several peoples, not only the Danish people. In contrast to this Saxo

99 Saxo 14.3.1–3.

100 Ibid. 14.8.1–5.

101 Ibid. Praefatio, 1.1–2, 1.1.6.

102 *Arnoldi chronica Slavorum* 7.11.

used the terms *regnum*, *rex*, and *gens*, i.e. the Danish people, synonymously when he explained about the implications of King Valdemar I's oath of fealty to Emperor Frederick Barbarossa, i.e. one realm, one king, and one people.

After having praised Valdemar II for expanding the realm, Saxo continues the preface with a description of "our fatherland [*patria*] and its location". In this the mainland of Denmark (*Dania*) Jutland is separated from Germany (*Theutinie*) by the River Eider. East of Jutland is Funen facing Zealand to the east. The latter island is more beautiful than any other part of "our country" (*nostrae regionis*) and is separated from Scania by a sound. Halland and Blekinge are placed on Scania like two branches on each side of a tree, Saxo tells. Saxo praised Valdemar II for having annexed the subjugated peoples and lands, but he does not include them in his description of the fatherland, the realm. This might tempt us to conclude that Saxo's notion of "fatherland" only included one people. But that was not the case. Little Frisia is actually embraced by his description of Denmark, notwithstanding that Saxo in another context characterized the inhabitants of Little Frisia as a people with their own culture and language coming from the Frisians. At some point this province came under the administration of the Danish king.¹⁰³ But then again, as we mentioned earlier in this chapter, according to Saxo the Danish people are after all a conglomerate of a number of peoples attributed different virtues: *Iuti* (Jutes), *Laladenses* (the people of the island Lolland), *Syalandicus* (the people of Zealand), *Scanicus* (the people of Scania), *Fresi* (Frisians), etc. Saxo's point seems to be that none of these peoples, except the Frisians perhaps, were compelled into the Danish realm or to take on Danish national solidarity and identity by the Danish kings. Danish nationality had existed since the beginning of time; i.e. from the time of King Dan. The king, together with the Danish people, makes the unity of the Danish realm and, in Saxo's view, under royal leadership this unity can naturally enhance the realm by subjugation of foreign peoples and territories.

For centuries, the Danes had raided the Slavic coast east of the German-Roman Empire. The expeditions seem to increase in the last part of the eleventh century. According to Saxo, Cnut the Holy had "fought against the eastern people—more to spread Christianity than to satisfy his own greed. And he did not stop until he had totally destroyed the lands of the Curians, Semberians, and Estonians".¹⁰⁴ Asser, who in 1104 was invested to be the first Nordic archbishop, had Rügen as missionary field by papal authority. The Danish expe-

103 Saxo Praefatio 2.1–5, 14.7.1.

104 Ibid. 11.11.1.

ditions against the Wends were, as we have argued in the chapter on war and peace, part of military defence and a measure to centralize power. External aggression is a universal remedy for creating internal unity and harmony. By the mid-twelfth century, the Danish expeditions in Wendland acquired status as holy crusades. Already in 1108, the bishop of Magdeburg and other east Saxon leaders called for holy war against the pagan Slavs.¹⁰⁵ But only in 1147 did the papal bull *Divina dispensatione* arrive, which made holy war universal.¹⁰⁶ Previously we saw in the same chapter that the Danes did not neglect their common duty towards the common church, and how even the fighting pretenders Cnut and Sven joined forces and turned against the common pagan enemy. Helmold mentions the Danish participation en passant and concludes that the expedition was no great success for the Saxon knights, in his *Chronica Slavorum*.¹⁰⁷ Saxo agrees for the part of the two Danish pretenders. They returned to Denmark and resumed fighting. It was likewise a rather futile enterprise in the laying out of the expedition in *Knytlinge Saga*.¹⁰⁸ Until the mid-1160s, the almost yearly Danish campaigns in Wendland did not add territory to the realm.

The first military campaign enhancing the realm was launched in cooperation with the most powerful man in north Germany, Henry the Lion, duke of Saxony and Bavaria, who re-established Lübeck and subjugated bishops and a number of Wendish princes. In the middle of the 1160s, King Valdemar I and Duke Henry the Lion planned a joint venture towards Rügen. Helmold's *Chronica Slavorum* dates the conquest of Rügen to 1168.¹⁰⁹ Helmold wrote his chronicle shortly after the event and attributes the success of the enterprise largely to the Germans, while Saxo, of course, reports it as a unilateral Danish project. Soon after, Henry the Lion's attention was distracted by internal strife in Saxony and the agreement settled between Henry and Valdemar that they should split the spoils of war was violated by the Danish side. Only in 1171 did they arrive at a compromise and the island of Rügen was placed under ecclesiastical rule of the church in Roskilde by the pope.¹¹⁰ The principality of Rügen included not only the island Rügen but also a territory on the mainland. Ecclesiastically,

105 "Urkundenbuch des Erzstifts Magdeburgh", part 1, *Geschichtsquellen des Provinz Sachsen und des Freistaates Anhalt*, n.s., vol. 18 (Magdeburg, 1937), no. 193.

106 *Regesta pontificum Romanorum*, eds P. Jaffé et al. (Gratz, 1956), no. 9017.

107 Helmold of Bosau, *Helmoldi presbyteri Bozoviensis chronica Slavorum*, ed. Heinz Stooß (Darmstadt, 1973), p. 228.

108 Saxo 14.3.5–13; *Knytlinge Saga*, pp. 140–141.

109 *Danske Korstog. Krig og Mission i Østersøen*, eds John H. Lind et al. (Copenhagen, 2004), p. 77.

110 *DD*, 1.2, no. 189.

however, the island was under Roskilde, while the mainland part of the principality was under the bishopric of Schwerin. It is disputable when exactly the principality became a Danish fief. It has been argued that Rügen did not come under Danish control or enfeoffment until the beginning of the 1180s.¹¹¹

The basis of King Valdemar I's foreign policy in the Baltic was his vassalage to the German emperor and Duke Henry the Lion's strong position in north Germany. At an imperial court in Würzburg in 1180 Henry the Lion was, however, outlawed and stripped of his territories. The Danish king assisted his German feudal lord against the Saxon duke, who still interfered with the enhancement of Danish rule in Rügen and beyond. When Cnut VI followed his father, Valdemar I, on the throne in 1182 the German emperor had also lost power in north Germany. With this, King Cnut's prospects of success as political leader in the Baltic improved. The dissolution of Henry the Lion's duchy implied that there was no overriding political and administrative structure in north Germany when Cnut VI came to power in Denmark. North Germany was more or less open for Danish invasion and rule. Prince Jaromar of Rügen was already a Danish vassal. When he came into conflict with the imperial vassal, Bugislav I, King Cnut assisted his vassal. Valdemar and Jaromar prevailed and in 1184 Bugislav swore an oath of fealty to the Danish king who annexed Fore-Pomerania as far as the River Oder. The same thing happened to Mecklenburg where the striving Wendish princes Burwin and Niklot had to accept the Danish overlord.¹¹² From 1189 the Danish king consequently styled himself *Danorum Slavorumque rex*.¹¹³ Soon after, by conquering north Albingia the Danish border was moved south to the Elbe and the Danish king could add *Nordalbingie dominus* to his title.

The fall of Henry the Lion made smaller seats of power, such as the town of Lübeck and the archbishops of Magdeburg and Bremen, respond to the Hohenstaufen emperor and enhance their power in northern Germany. In 1195, Henry the Lion died and his sons took over his possessions. One of them was Otto IV (1198–1215). He became elected rival Welf king to the Hohenstaufen Philip of Swabia (1198–1209). The Hohenstaufen emperors' concentration on the Italian part of the empire and their need for support against the Welfs made it possible for Count Adolf of Holstein to add the Ditmarshes, Ratzeburg, and Lübeck to Holstein and Stormarn together with Stade south of the Elbe. Count Adolf's rule of north Albingia was, however, fragile and lasted only for a short period. The Danish king Cnut VI's brother Valdemar, who had

111 Kerstin Hundahl, *Preter Rugiam et terras ei Attinentes. Rügen—A Forgotten Fief of the Danish Kings c. 1168–1325*. Unpublished thesis (Copenhagen, 2011), pp. 23, 33.

112 Albrechtsen, "Konger og krige", pp. 67–68.

113 *DD*, 1.3, no. 189.

become duke of Schleswig in 1187, conquered Rendsburg, and in 1201 Valdemar defeated Count Adolf and subjugated Holstein and the Ditmarshes. In the meantime, the Danish vassals, the Wendish princes Borwin and Niklot, had attacked Ratzeburg. Hamburg and Lübeck swore allegiance to Valdemar and subsequently to King Cnut VI, who passed away and was followed on the Danish throne by Valdemar in 1202.¹¹⁴ The new king, Valdemar II, affirmed Emperor Frederick Barbarossa's and Henry the Lion's privileges to the town of Lübeck as *Danorum Slavorumque rex Nordalbingie dominus*¹¹⁵—a title he held until 1214 when north Albingia legally became part of the Danish realm.

Until 1212 the Danish kings Cnut VI and Valdemar II cleverly supported the Welf side in the German succession disputes in line with the papal position. When at last a Welf, Otto IV, became sole regent in 1208 his policy, however, proved to be just as anti-papal as the Hohenstauffer's. Therefore, when Pope Innocent III in 1212 supported the Hohenstauffer Frederick II, King Valdemar II fell into line and gained legal profit from this turn of policy. Around New Year 1214, King Frederick II formally entered into an alliance with King Valdemar II and surrendered, with consent of all princes, to Valdemar II and his realm all the territories belonging to the Roman Empire beyond the Elde and the Elbe, as King Cnut VI and Valdemar II had acquired these by force of arms, and all the areas in Wendland King Cnut and his father (Valdemar I) had obtained.¹¹⁶ That north Albingia was now legally annexed to the Danish realm seems to be reflected in the title *Danorum Slavorumque rex*, which Valdemar now assumed.¹¹⁷ Apparently, the people of north Albingia were now considered by the Danish authorities to be Danish like the other Slavic peoples in Wendland. The charter, the so-called *Golden Bull*, in itself does not substantiate this way of thinking though. The texts must be read as a transfer of the territory, north of the River Elde and the Elbe, i.e. north Albingia, as well as the parts of Wendland conquered and held by Valdemar I and Cnut VI, from Frederick II and his subordinate princes to the Danish king Valdemar II and his realm. This being so because the Germans considered Wendland as their sphere of interest and because the basis of the Danish kings' foreign policy in the Baltic was their relation to the German emperors, kings, and princes, as argued above. In the eastern Baltic it was, indeed, also the case.

Livonia was given to the archbishopric of Bremen as missionary sphere in 1185, and in 1199 Albert von Buxhoevden was invested as bishop of Livonia.

¹¹⁴ Albrectsen, "Konger og krige", pp. 70–74.

¹¹⁵ *DD*, 1.4, no. 53.

¹¹⁶ *Ibid.* 1.5, no. 48.

¹¹⁷ *Ibid.* no. 54 *passim*.

He founded Riga and established the Knights of the Sword in 1202. As Philip of Swabia's vassal, Albert and his knights attacked Estonia in 1208, but the Danes were also in play in the eastern Baltic at an early point. Saxo tells that the bravest of the warriors from Scania and Zealand, bored to death, decided upon a common buccaneering expedition against the Estonians.¹¹⁸ According to Danish annals this expedition was followed up in 1196/97.¹¹⁹ After the fall of Jerusalem in 1187, Archbishop Absalon's brother, Esbern Snare, reportedly headed an expedition to the Holy Land.¹²⁰ As an alternative to this rather inconsiderable Danish operation in Palestine Archbishop Sunesen, probably together with King Valdemar, attacked the Estonian island Saaremaa in 1206. In addition, in 1210 the Danish king campaigned in Prussia and Samland with papal authorization and he was in this context recognized as overlord by the Polish duke of Pomerelia.¹²¹

When Albert of Riga had to ask King Valdemar for assistance against the Estonians' resistance, the king sent Count Albert of Holstein and Orlamünde to Livonia in 1217 with Pope Honorius III's permission.¹²² The following year King Valdemar received papal permission to add all the land Valdemar and his men "could wrest from the hands of pagans to your realm [*regno tuo*] and its church".¹²³ In the following summer of 1219, King Valdemar proclaimed an expedition against the pagans in Estonia. The *Annales Ryenses* assert that the king's army was transported on 1,500 longships.¹²⁴ This sounds exaggerated, but the campaign was a success and the Danish medieval realm peaked territorially at this point. Some half a century earlier Denmark was a German fief. Now the realm encompassed not only Jutland, Scania, and the Danish isles but also territories along the west, south, and east coasts of the Baltic Sea from Schleswig and Holstein in the west, Mecklenburg Pomerania in the south, Pomerelia, Prussia, and Samland in southeast to Estonia in the far northeast.

After the conquest of the castle Lyndanise in 1219 the Danes did, however, not control the whole of Estonia. The Estonian resistance was serious in a country well supplied with forts. A further difficulty was German competition. When

118 Saxo 16.4.3.

119 DMA, pp. 14, 60, 77, 103.

120 *Historia de profectione Danorum in Hierosolymam*, ed. M.Cl. Gertz (Copenhagen, 1918–1920; repr. 1970), pp. 457–492; *Danernes færd til det hellige land*, in *Krøniker fra Valdemarstiden*, trans. Jørgen Olrik (Copenhagen, 1901), pp. 124–175.

121 DD, 1.4, no. 173; DMA, pp. 61, 110, 169.

122 Ibid. 1.5, nos 100, 101.

123 Ibid. no. 145.

124 DMA, p. 79.

Archbishop Anders Sunesen informed Bishop Albert of Riga that all Estonia belonged to Denmark, Albert replied that Estonia had been the missionary sphere of the church in Riga before the Danes arrived. Sometime before 1234, the Knights of the Sword plundered the castle in Reval. In this difficult situation King Valdemar and the archbishop in Lund once again involved the pope in this Danish-German conflict in 1236. The pope decided that the Danes should have the castle in Reval back together with the northern provinces of Estonia, but not until the Knights of the Sword had been included in the Teutonic Order in 1238 was Estonia permanently divided. The Danes kept the northern provinces of Estonia, which were enfeoffed to King Valdemar's son Cnut, and the island Saaremaa.¹²⁵

A Danish bishop was invested in Estonia, but it was hard work to convert the Estonians. The rather late building of churches and monasteries in the country speak to it. In 1220, the pope had given permission to Bishop Vesselin of Reval to let the Cistercians work as missionaries in Estonia. It took more than a hundred years though before a Cistercian monastery was built. In 1317, King Eric Menved allowed the convent in Stolpe to establish a monastery in Padis, not far from Lyndanise.¹²⁶ The monastery was built later and today it is a ruin in a good state of preservation. Inside it looks like any other Cistercian monastery, but from the outside it appears as a regular castle. This perhaps tells something about the situation for Christians in Estonia in the first half of the fourteenth century. The building of churches points in the same direction. Churches were only erected during the fourteenth century.

Danish rule was probably concentrated in the area around Lyndanise on the important commercial route to and from Novgorod. The town is for the first time mentioned as Kaleweny on the map of the Arabian geographer al-Idrisi from 1154. After the Danes had taken the castle and the town it was known as Reval, but during the thirteenth century the local population began calling the town by its present name Tallinn; a combination of the two Estonian words *Taani* and *linn*, i.e. Danish town.¹²⁷ Reval was a commercial town from where grain was exported.¹²⁸ Because the town, as previously mentioned, was strategically well situated by the long-distance trade route from Novgorod to western Europe it was worth controlling. It was probably the control of this

125 DD, 1.5, no. 165; 1.6, nos 199, 212, 216, 217; 1.7, no. 213.

126 Ibid. 1.5, nos 166, 167; 2.7, no. 470.

127 Gustav German, *Tallinn* (Tallinn, 1993), p. 9.

128 DD, 2.4, no. 260.

commercial town in particular that King Valdemar Atterdag sold when he transferred Estonia to the Teutonic Order in 1346.¹²⁹

Estonia was the Danish fief in the Baltic rim and north Germany which was part of the Danish realm for the longest. The other Baltic and German parts of the great Danish realm, except Rügen, began to disintegrate when King Valdemar II and his son by the same name in 1223 were captured by the king's German vassal, Henry of Schwerin. The Danish magnates' lack of reaction, in a situation where their king was held prisoner in a German castle, is striking. It was the king's nephew and vassal, Albert of Orlamünde, who took the initiative to have the prisoners released. After the first negotiations had collapsed, Albert tried to achieve a result by force of arms, but in vain. In 1225, he was defeated in a battle at Moln. With the exception of Rendsburg, Holstein was lost to the German emperor's vassal Adolf IV. Now the Danish magnates took action and reached an agreement on the release. In addition to a ransom of 45,000 marks of pure silver, various costly effects, and trade privileges, the land between the Eider and the Elbe and the whole of Wendland, with the exception of Rügen, should be surrendered to the German emperor.¹³⁰ These were tough conditions, which King Valdemar did not intend to keep. He applied for the help of the pope, but papal letters to Emperor Frederick II and Count Henry of Schwerin with claims of infidelity and requests to pay back the ransom did not help.¹³¹ Therefore Valdemar took up arms against his treacherous vassal, but the king was defeated in a decisive battle at Bornhöved in 1227. As a result of this all the Baltic and German parts of the Danish kingdom, except Rügen and Estonia, were lost.

A few years after in 1231 the main piece of the manuscript called *King Valdemar's Survey* was written down.¹³² It is a very complicated, imperfect, and complex source to reconstruct and many years ago it was read as simply an exercise book for calligraphy. Such a far-fetched reading must be rejected.¹³³ The manuscript includes a calendar, lists of kings and popes, annals, itineraries, etc. What is interesting in the present context, however, are the lists of the Crown's incomes and land in various parts of the realm. The main piece of the manuscript begins with a review of Jutland divided into districts (*susæl* and *heret*) and proceeds with the districts (*heret*) on Funen and Zealand and

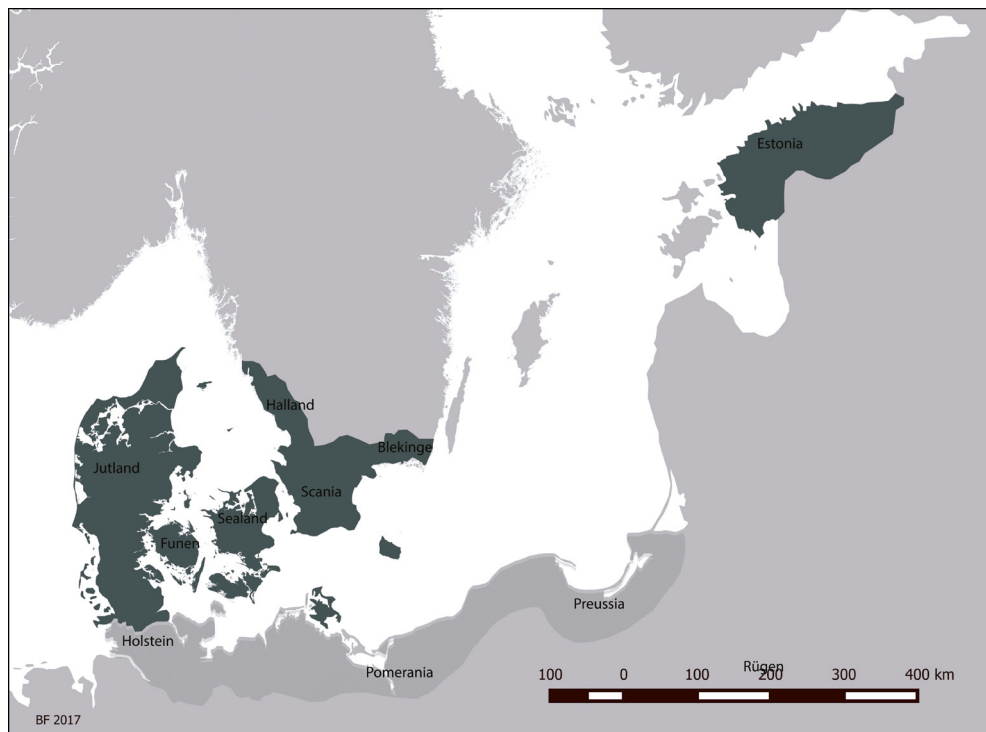
129 Ibid. 3.2, no. 273.

130 Ibid. 1.6, no. 42.

131 Ibid. nos 55, 56.

132 KVV, p. 1.

133 Johannes C.H.R. Steenstrup, *Studier over Kong Valdemars Jordebog* (Copenhagen, 1874), p. III.



MAP 1 *The Danish realm at its zenith c. 1220. The light grey territories on the map, Holstein, Pomerania and Prussia, were lost in 1227.*

CARTOGRAPHIC DRAUGHTSMAN DR.PHIL. BO FRITZBØGER

the islands south of these two main islands, Langeland, Lolland, Falster, Møn, ending with the income of two hundred marks from Rügen (RØ). The whole of Rügen belongs to the king, reports the *kongelef* list.¹³⁴ The districts of Scania and Halland then follow in the main piece.¹³⁵ A list of the islets and the game to be hunted on them is also included.¹³⁶ Likewise is a list of the towns and incomes on the island of Fehmarn and two lists covering Estonia and some Prussian districts. The small list of Estonia and the Prussian districts has been dated to 1230–1231, while the big list of Estonia is believed to be from the 1241.¹³⁷ The manuscript consequently reflects the geographical status of the realm after the loss of the German and the main part of the Baltic provinces

¹³⁴ KVJ, p. 29.

¹³⁵ Ibid. pp. 1–26.

¹³⁶ Ibid. pp. 30–33.

¹³⁷ Ibid. pp. 50–52, 56–81. The small list of Estonia has been dated to 1230–1231, while the big

and throughout the remaining part of the thirteenth century. Perhaps it also gives an impression of which parts of the realm were the heartland and which were the more or less marginal parts of the realm.

On the same folio of the manuscript are two lists which only concern Zealand and the three small islands south of Zealand; Møn, Lolland, and Falster. One of the lists, the one known in historiography as *plovtaleslisten* lists the number of ploughs in all of Zealand's at that time twenty-seven districts (*herreder*) and Møn, while for Lolland and Falster it settles a sum for each of the islands, even though they had four and two districts respectively. The other list, the so-called *købstadlisten*, records the incomes in marks from all nineteen market towns known from Valdemar II's reign and even a few more.¹³⁸ The completeness of the lists is striking. Despite the fact that both lists are very brief, they seem not to base their figures on estimates; the plough list must be the result of a count of the units of ploughs in each district and the market town list must be seen as based on a corresponding accurate assessment. The lists must have been created in the royal chancellery for fiscal purposes. The plough list records the basis for taxation—the ploughs—while the list of the market towns makes up the tax payment from each of the towns in the same part of the realm. A precise dating of the two lists cannot be determined, but they were most likely drawn up c. 1240.¹³⁹ The coherence of the two lists is probably that *købstadlisten* records the urban tax levied on the towns instead of the rural plough tax imposed on arable land according to *plovtaleslisten*.¹⁴⁰ In the chapter on tax it is suggested that a plough tax was introduced to overcome a financial crisis following the payment of the ransom for the release of King Valdemar II and his son in 1225–1226, and it is mentioned that in the early 1230s plough tax is recorded in a charter concerning the bishop of Ribe in Jutland. Thus, this tax was probably introduced, at least in the see of Ribe, before *plovtaleslisten* was drawn up. Incomes from the towns are also recorded in other parts of the manuscript. In the so-called list of incomes, which perhaps dates to before 1231,¹⁴¹ incomes from a number of towns in Jutland, Funen, Zealand, and Scania are recorded.¹⁴² Similar examples can be found in the main piece of the manuscript from 1231, but none of this information is as comprehensive and

list is believed to be from the 1241. Paul Johansen, *Die Estlandsliste des Liber census Daniae* (Copenhagen, 1933), pp. 103–112.

138 Steenstrup, *Studier over Kong Valdemars Jordebog*, pp. 450–456.

139 Ibid. p. 455; Ulsig and Kjær Sørensen, “Studier i Kong Valdemars Jordebog”, pp. 2 ff.

140 Steenstrup, *Studier over Kong Valdemars Jordebog*, p. 214.

141 Ibid. pp. 441 ff.

142 *KVJ*, pp. 53–54.

seemingly as accurately listed as in the lists of ploughs and market towns covering Zealand, Møn, Lolland, and Falster. The list of income for example includes only some eight towns on Zealand against the fifteen towns in list of market towns (*købstadlisten*).

The completeness and accuracy of the lists of ploughs and markets towns indicate that Zealand, Møn, Lolland, and Falster were essential parts of the heartland of the realm. Throughout the Middle Ages, i.e. from the second half of the eleventh century, kingship was centred in eastern Denmark.¹⁴³ Estimates based on *King Valdemar's Survey* have shown that the Crown owned about 5 per cent of the land in the country. However, the King owned 28 per cent of Falster. While Zealand was the heartland of the king and his supporters in Valdemar's reign, his and his sons' efforts and success driving the Wends out of Falster and Lolland in the late twelfth century and early thirteenth century made these southern islands crucial to the Crown.¹⁴⁴ None of these provinces were granted as fiefs like some of them earlier had been. They were held and administered directly by the Crown analogously with Jutland, Funen, and Scania insofar as administration was needed at all in the thirteenth century, indeed a debatable question seen in light of the stage of development of kingship analysed in the other chapters of the present book.

The various lists in *King Valdemar's Survey* alone indicate increasing bureaucratization though. This trend probably followed on increasing needs of local administration of the royal manors and castles but also of central government—if one can speak of central government at a time with travelling royal government without a permanent residence. The so-called *Vinternatholdlisten*, making up the royal administration's comprehensive demands of victuals, personnel payments, firewood, and tableware illustrates this itinerant, "central" government. In this list we meet the government officers; *marscalco*, *submarscalco*, *dapifero maiori*, and *dapifero minori*, together with the king's major and minor cup-bearer and several other servants.¹⁴⁵ The titles of marshal and seneschal (*dapifero*) are only found in the sources after 1200. In the so-called *Broderlisten*, which has been a disputed topic in historiography,¹⁴⁶ the

143 Hybel, *Danmark i Europa*, pp. 95–96.

144 Hybel and Poulsen, *The Danish Resources*, p. 168.

145 KVI, pp. 32–33.

146 Tore Nyberg, "Kong Valdemars Jordebog-manuskriptet og Broderlistens plads deri", in *Broderliste, Broderskab, Korstog Bidrag til opklaringen af en gåde fra dansk højmiddelalder*, ed. Janus Møller Jensen (Odense, 2006), pp. 107–122; Bente Holmberg, "Personnavnene i Broderlisten", in *Broderliste, Broderskab, Korstog Bidrag til opklaringen af en gåde fra dansk højmiddelalder*, ed. Janus Møller Jensen (Odense, 2006), pp. 123–142; Kurt Villads Jensen,

royal officials *cancellarius* and *camerarius* appear. We have hardly any information about the functional area of this last official. His field was presumably the royal finances and accounts. The chancellor's office can be traced back to c. 1160, when King Valdemar I's chancellor, the Englishman Radulf mentioned in the chapter on *marca*, *feudum*, and sovereignty, had been invested bishop of Ribe. According to Saxo, Archbishop Andreas Sunesen later raised this hitherto rather modest office to such a height that it was reckoned to be an honour for even the most distinguished men.¹⁴⁷ The chancellors were usually bishops and all central governmental officials were increasingly recruited from among the aristocracy. However, we know very little about what duties these officials discharged. Two centuries later it is still not easy to specify the definite demarcations between the offices.¹⁴⁸

The royal manors were managed by *villici*, also called *bryti*. In the course of time they became the royal administrators in the districts known as *herred*—they exercised the increasing royal power over time in the *herred*. The Laws of Zealand and Scania vacillate between calling these officials *bryti* or *umbuthsman*. The Law of Jutland consistently uses the latter term, ombudsman, for these royal representatives in the local communities. In the chapter on war and peace we observed that the ombudsman was involved in the organization of the *leding*. The law also empowered them to sometimes appoint jurymen and make jurors take the oath.¹⁴⁹ In the 1250s a new title *foged*, sheriff or bailiff, appears in the sources, but it is impossible to determine these royal officials' actual sphere of authority and how they were paid.

Insofar as the realm was governed, the heartlands and the Crown lands in these parts of the realm were managed directly by royal officials on behalf of the king who according to contemporary standards held an *officium* appointed by God.¹⁵⁰ In contrast, the more marginal provinces were enfeoffed by the king to members of his family and other Danish, German, and Wendish aristocrats. Valdemar II's nephew, Orla of Orlamünde, held Holstein with Hamburg and

“Broderliste, Vederlov og Holger Danske”, in *Broderliste, Broderskab, Korstog Bidrag til opklaringen af en gåde fra dansk højmiddelalder*, ed. Janus Møller Jensen (Odense, 2006), pp. 203–214; Janus Møller Jensen, “Broderskaber og Korstog”, in *Broderliste, Broderskab, Korstog Bidrag til opklaringen af en gåde fra dansk højmiddelalder*, ed. Janus Møller Jensen (Odense, 2006), pp. 215–236.

147 Saxo, Praefatio 1.2.

148 William Christensen, *Dansk Statsforvaltning i det 15. århundrede* (Copenhagen, 1903), pp. 23 ff.

149 *The Law of Jutland* 2.4, 2.51, 2.64, 2.78.

150 See chapter, *A speculum regale*.

a part of Ratzeburg as a Danish fief. Previously the treacherous vassal Henrik of Schwerin was mentioned. Rügen was given in *feudum* by Danish kings to Wendish princes from the early 1180s until 1325.¹⁵¹ In 1215, the magnates swore fealty to Valdemar 11's son Valdemar at a meeting on the island Samsø, the same year he was elected king at the thing in Viborg, and in 1218 young Valdemar was crowned. The other sons were granted marginal parts of the realm as fiefs. Already in 1216 Eric was made duke of Schleswig as a baby, and Nils at full age had Halland.¹⁵² After the conquest of Estonia, Cnut was, as mentioned above, made duke of this province. Later Cnut had this fief replaced by Blekinge.¹⁵³ Thus, King Valdemar founded a political and administrative system of fiefs on the outskirts of the realm held by princely vassals which lasted throughout the thirteenth century.

This image of the realm divided between the heartlands directly managed by royal officials, from the chancellor at the top to the ombudsmen in the local districts of the heartlands, and the marginal parts of the realm enfeoffed to Danish, German, and Wendish vassals seems to resemble the pair of concepts *dominium directum* and *dominium utile* developed in medieval property law. It is parallel to the manorial policy indicated by the bishop of Roskilde's survey from c. 1370. His manors in the Roskilde district and in east and north Zealand were consistently managed by the bishop's bailiffs. On the other hand, the most remote manors in north-west and south-west Zealand were farmed out.¹⁵⁴ Nevertheless, already in *King Valdemar's Survey* we find the first tentative signs of the internal division of the heartlands of the realm into *len* (fiefs) which would characterize the Late Middle Ages. In the manuscript some administrative districts appear to have comprised two or more *herreder*.¹⁵⁵ On Funen, for example, the town of Odense was lumped together with Åsum and Lunde, and the castle of Nyborg, built in the late twelfth century to guard the passage across the Great Belt, was listed alongside the two *herreder* Vinding and Gudme. This unit constituted the later Nyborg *len*. In the Late Middle Ages the royal castles were commonly supported by *herreder* attached to them, sometimes as many as eight or nine *herreder*.¹⁵⁶ To support the royal castles was only one reason to centralize administration into larger units. The increasing number of royal rights was another. The late medieval *len* (fief) was a fusion of the adminis-

151 Hundahl, *Preter Rugiam*, pp. 75 ff.

152 *DMA*, pp. 78–79.

153 *DD*, 1.5, no. 164; 1.6, no. 98.

154 Hybel and Poulsen, *The Danish Resources*, pp. 180–181.

155 *KVJ*, pp. 6, 7, 9, 11, 13, 14, 22, 23.

156 Hybel and Poulsen, *The Danish Resources*, pp. 318–319.

tration of the Crown lands and the realm. The fiefs (*lenene*) were managed by paid bailiffs on account or they were enfeoffed to vassals with all royal rights and incomes, except extraordinary royal taxes. The vassals either had military obligations or paid a fixed yearly rent.¹⁵⁷

Conclusion

The meanings of the term *regnum* in medieval sources, majesty, Crown, territory, and people, have structured the study of the development of the Danish realm in this chapter. First the origins of the concept of a Danish people and the name of the territories of this people were examined. It was found that the term *Dani* (Danes) appeared for the first time in the sixth century in Jordanes's *Getica*. From the late sixth century there is a time gap of about two hundred years before the term *Dani* reappears in literature and letters. From the 830s, an increasing number of English and continental European diplomas refer to "Danes". The designations *Dani* and *Nordmanni* are used synonymously in the West Frankish annals. They do, however, distinguish between different Nordic peoples. Even different Danish peoples appear in the sources from the ninth and tenth centuries. According to, for example, the *Old English Orosius* the Danes did not form one united people. Different forms of the toponym for the land of the Danes seem only to have appeared sometime around 700 in the form *Dania* and again around 900, or more likely in the early tenth century, in the forms *Denimarca* in Regino of Prüm's chronicle and *Denamearc* in the *Old English Orosius*. On Danish soil, other forms of the name of the land can be found on the two runic stones at Jelling in south-eastern Jutland, *tanmarkar* and *tanmaurk*, and one of them also mentions *tani*, i.e. Danes. The dating of the runic stones is uncertain. Regardless, the data shows that in respect to use of the designations Dane and Denmark by Danish leaders the term Dane appears in the sources about four hundred years after its first appearance, while the name Denmark appears in inland sources about two and a half centuries after the first appearance of the name in the Latin form *Dania*. However, only some half a century after the designations *Danimarca* and *Denamearc* can be read in continental and English chronicles they were used in twisted Nordic forms on runic stones by prominent leaders.

We do not know why Danish leaders in the tenth century adopted the term Denmark, but the name's connotation of subordination corresponded quite

157 Christensen, *Dansk Statsforvaltning*, p. 213.

well to the status of the land in the tenth and most of the twelfth centuries. In contrast, medieval Danish chroniclers preferred the Latin terms *Dania* and *Dacia*, perhaps because they felt uneasy about this not very flattering status of the country. This does not, however, alter the fact that Denmark was already considered a geopolitical area by the Franks in terms of a territory under control of one or more rulers, i.e. a realm. The Frankish Empire was demarcated by the Eider in the north. Beyond this river the Franks were faced around 800 with the Danes, also known as the Northmen. The territorial extent of the land of this people is uncertain, but the Frankish annals inform about Danish/Northman kings residing in southern Jutland and Frisia. Anything comparable to the medieval Danish realm, geographically and politically, did not exist in the ninth century. Neither do we have documentation of this in the tenth century. In spite of the runic stones at Jelling and all theories and speculations on the notorious ring forts etc., it cannot be substantiated that any Danish king in the tenth century permanently ruled a realm including Jutland, Zealand, Funen, and Scania. It is impossible to establish the extent of even the renowned Harald Bluetooth and Sven Forkbeard's rule in Denmark, but we do know that their power was not unchallenged by other Viking leaders. A Danish realm did not exist before the end of the eleventh century in terms other than an area partially and at times controlled by a political party under royal leadership.

It is difficult to give evidence about the extent of the Danish realm in the famous King Cnut the Great's time, and it becomes even harder to define the nature and area of the realm in the turbulent decade after his death. According to the narratives closest in time to King Sven Magnus's reign, 1047–1075, his powerbase was eastern Denmark, i.e. Scania and Zealand, and perhaps southern Jutland. One and a half centuries later Saxo, however, contradicts this belief. The sources provide no basis for concluding that Sven Magnus had control over national military forces, but it is commonly accepted that he gained gradual control of monetary circulation hitherto unknown in the country. The enforcement of a monetary monopoly in certain important towns does, however, not in itself imply governmental or military control over the land in general. Against this background, it is dubious whether one can speak of a Danish realm in the time of King Sven in terms other than an area controlled by a political party, including non-Danes, under royal leadership, and even this is not absolutely certain continuously during his reign. It was the same with his renowned son, Cnut the Holy. He obviously did not control Jutland and Funen and we do not know exactly from which parts of the country he recruited his followers and their men. Due to the absence of men from Zealand and Scania in the rebellion against the king, it is tempting to conclude that King Cnut, like his father, had also based his power in eastern Denmark.

King Cnut's Crown lands were reportedly managed by *exactores* and *provisores* though. The titles *dux* and *stabularius* also appear in King Cnut's reign, but it is uncertain what these titles covered. Titles which might be associated with royal administration of the realm can be found in the time of King Nils (1104–1134), but the functions behind these titles cannot be established on the basis of twelfth-century sources. The royal administration was hardly so advanced in the first half of the twelfth century that it acquired a fully developed medieval bureaucracy and offices of the Crown corresponding to the various titles found in twelfth- and thirteenth-century sources. In general it is questionable how far-reaching King Nils's power was in the realm at all. The question is: in what sense and how did King Nils rule Denmark? Parts of the realm were enfeoffed to vassals who in the end did not pay the king much respect, and we have no real information about the royal administration. The pope regarded Nils as the rightful authority, but it is debatable how far his authority reached in the realm, which may have included the main provinces Jutland, Funen, Zealand, and Scania and the duchies Halland, the small islands, Falster, and Schleswig. Until 1146, the realm was a territory formally under central royal control, but in reality the country was split up into various territories ruled by a complicated pattern of different power groups. During the following eleven years until 1157 more than one king formally ruled the realm simultaneously.

Valdemar I not only became sole regent in 1157. At his death in 1182 his realm included several peoples, not only the Danish people. Geographically it covered Jutland, Schleswig, Funen, Zealand, Scania, Halland, Blekinge, Little Frisia, and Rügen. When his successor and son, Cnut VI, took over north Germany was more or less open for Danish invasion and rule. King Cnut annexed Mecklenburg and Fore-Pomerania as far as the River Oder, and styled himself *Danorum Slavorumque rex*. Soon after, he added *Nordalbingie dominus* to his title after having conquered this province. The Danish king's vassals conquered Rendsburg, Holstein, the Ditmarshes, Ratzeburg, and Hamburg and Lübeck swore allegiance to King Cnut VI. In 1214, north Albingia was legally annexed to the Danish realm and the German-Roman Empire formally surrendered all territories in Wendland obtained by the Danish kings up to and including Valdemar II. A campaign in Prussia and Samland in 1210 made the Polish duke of Pomerelia recognize the Danish king as his overlord. In 1219, the Danish realm peaked territorially when the castle Lyndanise in Estonia was conquered. Now the realm encompassed not only Jutland, Scania, and the Danish isles but also territories along the west, south, and east coasts of the Baltic Sea from Schleswig and Holstein in the west, Mecklenburg Pomerania in the south, Pomerelia, Prussia, and Samland in the southeast to Estonia in the far northeast. This status lasted less

than a decade. In 1227, all the Baltic and German parts of the Danish kingdom, except Rügen and Estonia, were lost.

A few years after, in the period from c. 1231–1241 the manuscript called *King Valdemar's Survey* was produced. This manuscript reflects the geographical status of the realm after the loss of the German and the main part of the Baltic provinces. In addition, it is suggestive of the heartlands and the more or less marginal parts of the realm. Zealand, Møn, Lolland, and Falster appear as essential parts of the heartland of the realm. None of these provinces were granted as fiefs as some of them had been before. They were held and directly administered by the Crown analogously with Jutland, Funen, and Scania. The various lists in *King Valdemar's Survey* alone indicate increasing bureaucratization. This trend probably followed on increasing needs of local administration of the royal manors and castles but also of central government. The heartlands and the Crown lands were managed directly by royal officials on behalf of the king who, in the contemporary view, held an office appointed by God. In contrast, Holstein with Hamburg and a part of Ratzeburg, Rügen, Schleswig, Halland, Blekinge, and Estonia, the marginal provinces were enfeoffed by the king to members of his family and other Danish, German, and Wendish aristocrats. This political and administrative system of fiefs on the outskirts of the realm held by princely vassals lasted throughout the thirteenth century. The image of the Danish realm, divided between the heartlands directly managed by royal officials and the marginal parts of the realm enfeoffed to vassals, is nevertheless challenged by *King Valdemar's Survey* itself. In the manuscript, we find the first tentative sign of the internal division of heartlands of the realm into *len* (fiefs) which would characterize the Late Middle Ages.

Thus, Saxo's notion of the realm as a unity of king and people was challenged by real history and by Saxo himself, insofar as his work, *Gesta Danorum*, is a main source for the study of the development of the Danish medieval realm including various peoples. However, following Saxo's line of thinking, the Danish dominions in the Baltic and north Germany were not parts of the Danish realm, because the peoples living there were unwillingly subdued by the Danish kings. In contrast, the Danish people was not just willingly ruled by the king, the Danish people and the king were one. For Saxo, this symbiotic relationship between king and people constituted the Danish realm, notwithstanding the fact that his work itself is a gold mine of information on aristocratic selection of kings and conflicts between the various Danish peoples and between various factions of the Danish peoples and the kings.

Overall Assessment

The present study was launched against a background of prolonged disagreements in historiography about the genesis of the national medieval Danish kingdom. The chronology of the establishment of a central government ruling the entire territory of medieval Denmark has divided historians. Some have argued that in the second half of the tenth century, Denmark was a national kingdom embracing the provinces Jutland, Funen, Zealand, and Scania. Others have only seen the embryo of a national kingdom at the end of the eleventh century, which gradually became a fully developed European medieval kingdom around 1200.

The disagreements among historians regarding the nature of kingship between the tenth and the thirteenth centuries is partly due to lack of conceptual clarity and systematic analysis. Therefore, to evaluate the nature of kingship in Denmark during the Viking Ages and the first centuries of the Middle Ages, a method—to define kingship by medieval standards and examine the sources in the light of this definition—was introduced as the methodological basis of this study. This approach involved a deduction of the institutions and prerogatives characterizing independent power and kingship according to a number of medieval political thinkers and chroniclers. On the basis of this deduction of the nature of royal institutions and prerogatives a number of criteria were set up in order to evaluate the changeable nature of kingship during the period covered by this study. These criteria of an independent power or kingship were: the right to make decisions about war and peace; the right to collect taxes; the right to exercise criminal and civil justice; the right to legislate. The concept of the realm was defined as a territory including a plurality of cities or provinces under one rule and the inhabitants of this territory willingly governed by a ruler.

The perceptions of political leadership in Danish chronicles and charters from the late eleventh to the thirteenth centuries provide us with a *speculum regale* which by and large corresponds to the general European theoretical discussions on power and kingship. From around 1200, charters indicate that the idea of monarchic power descending from God was firmly rooted in the minds of the kings and their government officers. In contrast, the idea of divine kingship is more or less ignored in Danish hagiographies and chronicles. These narrative sources were in line with a turn in European political thought in the twelfth century. In the Danish chronicles, kings are elected and/or recognized

by the people, and not by the grace of God. The popular justification of kingship promoted by Danish chronicles can perhaps also be seen as a continuation of a Germanic/Frankish tradition of elected leaders.

In agreement with the fourth of the criteria of independent power derived from Bartolus of Saxoferrato's thinking, Danish chroniclers saw the king as a legislator. Saxo Grammaticus, Sven Aggesen, and other twelfth- and thirteenth-century Danish chroniclers also agree with the first and third criteria of independent power derived from Bartolus of Saxoferrato in terms of Danish kingship. The king is a peace-maker, and the principal task of the good king is to secure justice. The preamble of the Law of Jutland states the king's duties to monitor judgements, do right and save widows, the defenceless, children, pilgrims, foreigners, and the poor, and to banish evil people and punish and kill men committing atrocities. In return, and in agreement with Marsilius of Padua's definition of a realm, the subjects of the king shall be obedient and submissive to the brave, generous, merciful, gentle monarch, who is devoted to his native country.

Thus, the *speculum regale*, which can be derived from Danish charters, chronicles, and the preamble of the Law of Jutland, in many ways anticipates the vision of an independent power deduced from Bartolus and Marsilius. Danish sources also reflect another important feature of the legitimate monarch in European, Christian tradition, namely genealogy. With the consolidation of the Roman Catholic Church in Denmark from the late eleventh century, genealogy embraced the Danish rulers. Genealogical practice developed to be socially widespread in the Middle Ages among other reasons because of simultaneously changing kinship systems from bilinear, horizontal and non-temporal kinship to patrilineal kinship. Genealogy in Denmark was initially primarily related to the royal line of succession as an important element in the ideological legitimization of royal government though.

The Frankish annals have the earliest information about the Danish royal genealogy. Adam of Bremen's account of the royal line of succession is based on this source and the Danish king Sven Magnus's information. Adam of Bremen's chronicle presents a dubious direct genealogical line from Gorm the Old to Sven Magnus, and this construction indicates that genealogy in the second half of the eleventh century had become a key element for legitimizing monarchical rule. At the mid-twelfth century, royal genealogy developed to include kings whose existence cannot be verified other than by narrative sources—the so-called legendary kings. Royal birth was a prerequisite to be king in a line of rulers which was traced back in time to centuries before Christ by the most prominent medieval designers of the Danish royal genealogy: Saxo and Sven Aggesen.

Even the legendary kings were challenged by foreign rulers and the independence of the realm was at risk more than once. For medieval Danish historians, in particular Saxo, foreign supremacy was a highly degrading issue. Vassalage contradicted Saxo's vision of medieval kingship and King Cnut VI's liberation from the German yoke is a highpoint of Saxo's *Gesta Danorum*. In respect to this issue he was in line with a leading European theorist of independent power of their time—Azo of Bologna. During parts of the period studied in this book, the Danish territories were, or were at least considered by foreign rulers to be, a march, a borderland or fief subject to the great continental imperial powers in the south.

After a Danish king, Harald, was baptized in Mainz in 825 and received a fief in Frisia, the lands of the Danes are for the first time termed *marca* in the Frankish annals. When Harald Bluetooth was Christened some 150 years later, the German emperor regarded Denmark as his *marca*. It is probable that Harald realized that his acceptance of the Christian religion and German supremacy would strengthen his domestic position. He presumably saw the good points in joining the international Christian community and making peace with the great neighbour in the south. Among other reasons, due to the domestic political situation in the German-Roman Empire there are no signs of strong influence by German kings and emperors on Danish leaders in the eleventh century. In contrast, throughout most of the twelfth century Denmark was under strong German political influence. Cnut Lavard was both the Danish King Nils's and the German Emperor Lothar III's vassal, and the emperor approached the earthworks of Jutland after he was assassinated in 1131, but raised the siege on the condition that King Nils's son, Magnus, performed military service for the empire. In 1134, Magnus paid homage on behalf of his father and swore allegiance to the emperor. During the struggle for leadership in 1147–1157, the German rulers Conrad III and Frederick Barbarossa understood the rivals Sven Grathe, Cnut Magnussen, and Valdemar Cnutsen to be their vassals. Emperor Frederick Barbarossa enfeoffed the realm of the Danes to Sven Grathe, who was ordered to grant provinces of the realm as fiefs to Cnut Magnussen and Valdemar Cnutsen. Soon after the latter had become sole regent, he confirmed German supremacy in 1162 by taking an oath of fealty to Emperor Frederick Barbarossa. Valdemar I's son, King Cnut VI, never took the oath of fealty. It is perhaps an anachronism to use the word *sovereign* about Danish kingship after the accession of Cnut VI, but Valdemar I was the last Danish king paying homage to a foreign ruler. In other words, Denmark was an independent kingdom from 1182 after Valdemar I passed away.

Within this kingdom, lawmaking and jurisdiction were supposed to be royal prerogatives according to medieval Danish chroniclers, and as has been point-

ed out previously these opinions fit well with what Italian jurists wrote in the literature from the beginning of the fourteenth century about "sovereignty". Danish narrative sources are confident about the king's legislative and jurisdictional authority, although they are aware that this authority was not unchallenged. The conflict over whether laws should be made by the people or by the king based on divine law, was a controversial issue in early Danish narratives from around 1120. On the other hand, royal influence on lawmaking was not secured by any legal precept. All the same, lawmaking and jurisdiction were gradually taken over by the expanding central power which concurrently developed elements of a written constitution.

The thought of constitutionalism existed from the beginning of the thirteenth century and constitutionalism prevailed so far as legislation was concerned. In the ordinance of lese-majesty from 1200, an attempt was made to secure the mutual loyalty of the parties in a monarchical institutional body. The ordinance gives the impression of an institutional understanding of kingship that corresponds to the constitution we find in the preamble of the Law of Jutland. Constitutional elements can also be detected in correlations between the authorities and the population. The zenith of this development is found in the coronation charter from 1282. The charter formalized parliamentary government and introduced a social contract between the monarchy, the church, and the secular aristocracy which also aimed more broadly in society at peasants and merchants. The importance of the constitutional contract was underlined in the national law of 1304. Still, after 1300 constitutionalism, so far as it had in reality existed in the thirteenth century, eroded.

It is impossible to determine how far laws were in force throughout the entire period of this study, but it is a fact that from the second part of the twelfth century, the Crown sought to assert itself in legislation and jurisdiction. The first royal law is presumably from the 1170s or 1180s, and from around 1200 royal regulations were issued and later included in the law-books. The Crown now acted increasingly as the guarantor of the legal regime, but presumably only in the provinces where it was present. In 1241, we know with certainty that the Crown was behind the first body of laws, and throughout the second half of the thirteenth century the few royal ordinances aimed to enhance the legal authority and power of the Crown. Still, it cannot be concluded that legislation was a royal prerogative at the end of the thirteenth century. The application of the law was certainly not.

Law and the official power to make legal decisions are preconditions of the inviolability of property rights, which in turn is a prerequisite for a power structure based on tax. In contrast, the violation of property rights is at the heart of power structures based on robbery and looting. In the Middle Ages,

land was the most important source of human life and power. The development of landownership and the subsequent extraction of land rent by landowners from users of the land and taxation of the owners by central government were crucial preconditions of European medieval kingship. Landownership, rent, and taxation are features constituting the nature of medieval kingship.

Written evidence of landed property can be found on runic stones from the second half of the tenth and the first half of the eleventh centuries. In the Viking Age, ownership was related to the family or kin, maybe resembling one of the concepts of property in the later provincial laws. In the chapters regarding wills and succession in the law-books, ancestral land is stated as land inherited for life which the possessor cannot dispose of freely. Family land could not be traded freely, and could not be inherited by spouses. It went back to members of the family after the holder died. Ancestral land was shared and temporary property. Alongside family land, we find so-called "bought land" in the laws which could be traded freely and reciprocally inherited by partners. The difference between the two forms of landownership, however, was not well defined, as ancestral land could be sold to a third party on certain conditions. Family land could, therefore, change status into freely transferable land. This was a step towards the development of a modern concept of landownership.

To buy land, however, was not new in Denmark when the provincial laws were written down. A market for selling and buying land among the upper strata of society can be documented from the early twelfth century. We have no information of a market for peasant land though. The majority of the rural population throughout the twelfth and thirteenth centuries were landowners, but still more peasants gave up ownership and became tenant farmers towards the end of the period. From the second half of the twelfth century, it can be documented that land was held by *dominium directum* and *dominium utile*, establishing a prerequisite for a power structure based on land rent and tax.

Trade, merchants, markets, and towns were objects of protection and taxation for Danish kings even before 1000. The earliest report of a Danish king yielding revenues from a town by controlling its merchants is from 808. Minting was at an early stage an urban source of royal revenue. Towns were early suitable tax objects, and towns developed to be demarcated fiscally from the rest of the country when the medieval kings began to impose taxes on the land and the population in general. Nationwide taxes can be indicated only from the end of the twelfth century or perhaps sometime in the early thirteenth century. In addition to town taxes, aid and commuted military services appear in the late twelfth century as the first royal taxes to be collected in Denmark. The plough tax emerges around 1230, and about a decade later there are signs of establishing a royal military system (*leding*), which seems to have been her-

alded on Zealand around 1170 and later commuted to cash payments. Still, we do not know to what extent these were nationwide taxes. No tax lists or other adequate sources for quantification have been handed down to us. Therefore, it is impossible to quantify or estimate the nationwide extent and the regularity of taxation in the period studied.

As for tax, we have, even from the thirteenth century, only sporadic indications of the Crown's ability to command a national military force. The Law of Jutland, the first law dealing with military law, perhaps institutionalized the Crown's right to control the military forces of the realm, but it is impossible to determine the Crown's actual ability to do so in real life. We do not have much information on the peasants' military service and the common servicemen more or less disappear from the sources in the second half of the thirteenth century. For this half century, we are better informed about the aristocracy's military obligations. This information shows that the Crown had little success in enforcing the religious aristocracy's military obligations. Internal wars between contending parties of great men related to succession trouble, in particular during the first two centuries after the promulgation of the Law of Jutland in 1241, indicate that the king had just as little success in enforcing the secular aristocracy's military obligations. These political and military conflicts to all appearances obstructed the enforcement of a national military law as presented in the Law of Jutland. At the end of the period it is, indeed, questionable to what extent the Crown controlled the military forces of the realm. The same thing can be said about the centuries before 1200.

From the year 800 and into the greater part of the twelfth century, we found no indication that the Danish kings were entitled to the prerogative to organize and command a national military force. The king was primarily a warlord: either he was elected by lesser warlords and their warriors, or warriors of various ethnic origins were attracted to him because of his charisma, skills, and success as leader in war. The king was a military leader who could take initiatives, but the king did not have the authority to launch expeditions without the approval of the thing, i.e. the fleet. Royal military power rested on family solidarity and friendship or dominance relationships between major and minor lords. Mobilization of public forces was certainly not a royal prerogative. Even the idea of a public army that the king could invoke to the benefit of the kingdom did not exist before around 1200.

Private armies were a constitutive element in the military structure in Denmark throughout the Middle Ages. These armies benefitted from military service or commuted military services from peasants living on seigniorial land on equal terms with peasants living on Crown land. So far as the king managed to muster provincial or national armies they did not consist of conscripts of

common peasants—at least not before 1241 and hardly after. A public national army under royal command based on peasant conscripts and aristocratic military obligations, according to the military law in the Law of Jutland, did not exist before 1300. At the end of the thirteenth century, the royal army was composed of mercenaries and the king and his aristocratic royal supporters' private military forces.

The king was king on the strength of his own and the support of others' private armies. A definition of the realm as the territory from which lords and people followed the king in warfare cannot be derived from this statement though. To define what a realm was in medieval terms is much more complicated. *Regio* and *regnum* are key concepts in the Danish chronicles from the High Middle Ages. Saxo had the same idea of these concepts in the first decade of the thirteenth century as Marsilius of Padua had in the beginning of the fourteenth century. Saxo saw the Danish realm constituted by the provinces, Jutland, Funen, Scania, and Zealand, while he did not consider the Slavic territories controlled by Danish kings to be parts of the Danish realm. In contrast to the Slavic peoples under the supremacy of the Danish kings, the Danish people was not only ruled willingly. The Danes were willingly ruled by the king they formed a unity with—the Danish people and the king were considered a unity. In Saxo's work and other high medieval Danish chronicles, national identity was promoted to serve the purpose of creating a national realm. Hence, the concept of realm for Danish medieval chroniclers was not merely defined by political and military supremacy over a territory. It also included the unity of king and people united by mutual history, language, law, and culture. To meet similar intentions, designations of foreign origin were earlier adopted as the name of the people and the realm. Still, territorial supremacy was an important element in the medieval understanding of the concept *regnum*.

In the Frankish annals, the *marca* of the Danes in the ninth century was considered a geopolitical area in terms of a territory under the control of one or more rulers, i.e. a realm. The territorial extent of the land is uncertain, but the annals inform us about Danish/Northman kings residing in southern Jutland and Frisia. Anything comparable to the medieval Danish realm, geographically and politically, did not exist in the ninth century. Neither do we have documentation for this in the tenth century. Harald Bluetooth's kingdom was centred in Jutland. Conclusive evidence of the geopolitical extent of the Danish realm in Sven Forkbeard and Cnut the Great's time does not exist, and it becomes even harder to define the area of the realm in the decade after Cnut's death. Whether King Sven Magnus ruled a Danish realm in other terms than variable areas controlled by a political party, including non-Danes, under royal leadership is dubious. It was the same with his renowned son, Cnut the Holy. Until 1146, the

realm was a territory, formally under central, royal control, but in reality the country was split up into various territories ruled by a complicated pattern of different power blocks. During the following eleven years until 1157 more than one king formally ruled the realm simultaneously.

At the death of Valdemar I in 1182, his realm included several peoples and covered Jutland, Schleswig, Funen, Zealand, Scania, Halland, Blekinge, Little Frisia, and Rügen. His successor and son, Cnut VI, annexed Mecklenburg and Fore-Pomerania and soon after conquered north Albingia. His vassals conquered Rendsburg, Holstein, the Ditmarshes, Ratzeburg, and Hamburg, and Lübeck swore allegiance to him. In 1210, Valdemar II became overlord of Prussia and Samland and eventually in 1219 the Danish realm peaked territorially when Estonia was conquered. The realm now included Jutland, Scania, Halland, Blekinge, Zealand, Funen, Lolland, Falster, the Danish islets, and the territories along the west, south, and east coasts of the Baltic Sea from Schleswig and Holstein in west, Mecklenburg Pomerania in south, Pomerelia, Prussia, and Samland in southeast to Estonia in the far northeast. In 1227, all the Baltic and German parts of the Danish kingdom, except Rügen and Estonia, were lost though.

Real history challenged Saxo's notion of the realm as a unity of king and people. The Danish realm as a political and military unit never included only one people. His work, *Gesta Danorum*, is itself a source for the study of the development of the Danish medieval realm, including various peoples and the conflicts between them. However, following Saxo's line of thinking, the Danish dominions in the Baltic and north Germany were not parts of the Danish realm because the peoples living there were unwillingly subdued by the Danish kings. In contrast, the Danish people were not just willingly ruled by the king, the Danish people and the king were one. For Saxo, this symbiotic relationship between king and people constituted the Danish realm, notwithstanding the fact that his work itself is a gold mine of information on aristocratic selection of kings and conflicts between the various Danish peoples and between various factions of the Danish peoples and the kings.

Saxo's idea of a Danish people was hardly widespread among the population. A Danish national identity was presumably confined to the aristocracy. The sources do not allow us to say anything about the identity of the peoples. All we know is that during all the centuries studied in this book we have abundant information about various peoples living in the varying territories more or less controlled by Danish kings. Saxo's medieval ideal of the Danish realm saw the inhabitants of the heartland provinces as the Danish people forming a historical, cultural, and linguistic unity with the monarch, who controlled this territory politically, militarily, and legally. Marsilius of Padua was perhaps

closer to the historical reality of the Danish realm: a plurality of cities or provinces and the inhabitants of this territory willingly being ruled, although it is more than doubtful whether all the inhabitants of any of the provinces were ruled willingly. As what has been said previously shows, it is also debatable to what extent the Danish kings ruled the inhabitants of the Danish provinces in accordance with the theoretical criteria of an independent power or kingship derived from Bartolus of Saxoferrato's work and found in Danish chronicles.

The *speculum regale*, composed of perceptions of political leadership in Danish chronicles and charters from the last decades of the eleventh century to the early thirteenth century, on the whole corresponds to the general European theoretical discussions on power and kingship. Together with the preamble of the Law of Jutland they in many ways anticipate the vision of an independent power deduced from Bartolus and Marsilius. Thus, in theoretical and ideological terms the image of kingship in Danish sources was in general equivalent to the idea of medieval kingship constituting the theoretical and methodological approach of the present study. This is, however, not very surprising, inasmuch as the clerks writing the earliest charters and hagiographies were presumably foreigners, and when native Danes took over they were trained abroad or at least they access to and were able to read foreign treatises in the international language Latin. To what extent the clerks and chroniclers' ideas of kingship reflected the actual status and development of kingship or were merely theory or wishful thinking this study has tried to expose.

The independence of the kingdom is a crucial issue in the chronicles from the twelfth and early thirteenth centuries. It is no wonder since throughout most of the twelfth century Denmark was under strong German political influence. In the ninth and tenth centuries, the country was considered a *marca* by Frankish and German rulers, and Danish kings, even the renowned Valdemar I, who was later called "the Great", were vassals of German overlords until the last decades of the twelfth century. Thus, the evolution of an independent Danish kingdom did not happen in an unbroken linear process. The ultimate liberation from formal German supremacy happened more or less simultaneously with the writing down of the first of the provincial laws. From that point in time the Crown sought to assert itself in legislation and law, and from 1241 the laws and the coronation charters included elements of a written constitution. Even at this late stage in the period studied it is, however, a question how law was applied. We do not know to what extent laws were enforced. Thus, around 1300 Danish kings had no unchallenged right to legislate and exercise criminal and civil justice.

The provincial laws provide us with an image of changing ideas of property rights from ancestral to free, private landownership. Family land could, there-

fore, change status into freely transferable land. In the same period, from the second half of the twelfth century, it can be documented that land was either owned or leased, creating the preconditions for collection of land rent and tax. Matching this chronology, the first royal taxes appear in the late twelfth century and the plough tax emerges around 1230. We do not know to what extent these were nationwide taxes though. In 1241, there are signs of establishing a national military service, which was later commuted to cash payments, but it is impossible to quantify or estimate the nationwide extent and regularity of this taxation, and to estimate the national service. From the thirteenth century, let alone the centuries before 1200, we have only sporadic indications of the Crown's ability to command a national military force. It is, indeed, questionable whether the Crown lived up to the criteria of exercising the right to make decisions about war and peace by controlling the military forces of the realm at the end of the period studied in this book.

Hence, the final assessment of the nature of Danish kingship is that not even in the second part of the thirteenth century did Danish kingship fully meet the standards of the *speculum regale* found in Danish chronicles from c. 1100 to 1200, and the criteria of an independent monarchical power deduced from prominent Italian lawyers and theologians' politology in the thirteenth and the beginning of the fourteenth centuries. The Danish kingship experienced a profound transformation during the half millennium from c. 800 to 1300 though. In the late eleventh century, a royal genealogy was established and the Danish kings bonded with Roman Catholic institutions. The Danish realm, including Jutland, Scania, Zealand, and Funen, was united in the middle of the twelfth century, which was followed by the final liberation from formal German supremacy in the last decades of the century and the expansion of the realm with German and Slavic fiefs from c. 1170. Also from the end of the twelfth century, Danish kingship took the first serious steps in the transition from kings being warlords who led aristocratic clans or interest groups towards medieval kingship, through the first signs of taxation, legislation, law enforcement, and the notion of a national military force. Together with indications of constitutionalism from 1241, this development of a national medieval kingdom intensified during the thirteenth century, without attaining perfection at the terminate date of this study.

Bibliography

Printed Sources

- Adam of Bremen, *Adam von Bremen. Hamburgische Kirchengeschichte, Scriptores rerum Germanicarum ex monumentis Germaniae historicis, seperatim editi*, ed. Bernhard Schmeidler (Hannover and Leipzig, 1917).
- Acta processus litium inter regem danorum et archiepiscopum lundensem*, eds Alfred Krarup and William Norvin (Copenhagen, 1932).
- Adam of Bremen, *Adam von Bremens krønike*, trans. Allan A. Lund (Højbjerg, 2000).
- Aegidius Romanus, *De ecclesiastica potestate*, ed. Richard Scholz (Aalen 1929; repr. 1961).
- Æthelweard, *Cronicon Æthelweard. The Chronicle of Æthelweard*, ed. A. Campbell (London, 1962).
- Aggesen, Sven, *Danmarks Krønike*, trans. R.Th. Fenger (Copenhagen, 1842).
- Aggesen, Sven, *Brevis historia regum Dacie, Scriptores Minores Historiæ Danicæ*, vol. 1, ed. M.Cl. Gertz (Copenhagen, 1917–1918; repr. 1970).
- Aggesen, Sven, *Lex Castrensis, Scriptores minores historiæ Danicæ*, vol. 1, ed. M.Cl. Gertz (Copenhagen, 1917–1918; repr. 1970).
- Alcuin, *Vita Willibrordi Archiepiscopi Tracictensis auctore Alvino, Monumenta Germaniae historica. Scriptores rerum Merovingicarum*, vol. 7, eds B. Krusch and W. Levison (Hannover, 1920), pp. 123–124.
- Anglo-Saxon Charters*, ed. P.H. Sawyer (London, 1968).
- The Anglo-Saxon Chronicle*, ed. Dorothy Whitelock (New Brunswick, 1961).
- Annales Bertiniani, Scriptores rerum Germanicarum in usum scholarum ex monumentis Germaniae historicis* (Hannover, 1883).
- Annales Bertiniani, Ausgewählte Quellen zur deutschen Geschichte des Mittelalters*, vol. 6, *Quellen zur Karolingischen Reichsgeschichte*, part 2, ed. Reinhold Rau (Berlin, 1958).
- Annales Dano-Svecani, Danmarks Middelalderlige Annaler*, ed. Erik Kroman (Copenhagen, 1980).
- Annales Essenbecenses, Danmarks Middelalderlige Annaler*, ed. Erik Kroman (Copenhagen, 1980).
- Annales Fuldenses, Scriptores rerum Germanicarum ex monumentis Germaniae historicis, Seperatim editi*, ed. F. Kurze (Hannover, 1891).
- Annales Fuldenses, Ausgewählte Quellen zur Deutschen Geschichte des Mittelalters*, vol. 7, *Quellen zur Karolingischen Reichsgeschichte*, part 3, ed. Reinhold Rau (Berlin, 1960).
- Annales Lundenses, Danmarks Middelalderlige Annaler*, ed. Erik Kroman (Copenhagen, 1980).

- Annales Laurissenses, Monumenta Germaniae historica, Scriptores*, vol. 1, ed. Georg Heinrich Pertz (Hannover 1826; repr. Stuttgart 1976).
- Annales Nestvedienses minores, Danmarks Middelalderlige Annaler*, ed. Erik Kroman (Copenhagen, 1980).
- Annales regni Francorum, Scriptores rerum Germanicarum ex monumentis Germaniae historicis, Seperatim editi*, 6, ed. F. Kurze (Hannover, 1895; repr. 1950).
- Annales regni Francorum, Ausgewählte Quellen zur deutschen Geschichte des Mittelalters*, vol. 5 (Darmstadt 1955, repr. 1968).
- Annales Ripensius, Danmarks Middelalderlige Annaler*, ed. Erik Kroman (Copenhagen, 1980).
- Annales Ryenses, Danmarks Middelalderlige Annaler*, ed. Erik Kroman (Copenhagen, 1980).
- Annales Sorani AD 1268, Danmarks Middelalderlige Annaler*, ed. Erik Kroman (Copenhagen, 1980).
- Annales Sorani vet., Danmarks Middelalderlige Annaler*, ed. Erik Kroman (Copenhagen, 1980).
- Annales Valdemarii, Danmarks Middelalderlige Annaler*, ed. Erik Kroman (Copenhagen, 1980).
- Annales Vedastini, Monumenta Germaniae historica, Scriptores rerum Germanicarum, Seperatim editi*, 12, ed. B. de Simson (Hannover, 1909; repr. 1979).
- Annales Vedastini, Ausgewählte Quellen zur deutschen Geschichte des Mittelalters*, vol. 6, *Quellen zur Karolingischen Reichsgeschichte*, part 2, ed. Reinhold Rau (Berlin, 1958).
- Annales Xantenses, Monumenta Germaniae historica, Scriptores rerum Germanicarum, Seperatim editi*, 12, ed. B. de Simson (Hannover, 1909; repr. 1979).
- Annales Xantenses, Ausgewählte Quellen zur deutschen Geschichte des Mittelalters*, vol. 6, *Quellen zur Karolingischen Reichsgeschichte*, part 2, ed. Reinhold Rau (Berlin, 1958).
- Aquinas, Thomas, *Summa theologiae* (London, 1964–1981).
- Aquinas, Thomas, *Summa theologiae*, Latin texts and English Translation, vol. 29, ed. David Bourke and Arthur Littledale (London, 1969).
- Arnoldi Chronica Slavorum, Scriptores rerum Germanicarum*, ed. Georg Heinrich Pertz (Hannover, 1868).
- Augustine of Hippo, *City of God*, trans. Henry Bettenson (Harmondsworth, 1972).
- Bede, *Bede's Ecclesiastical History of the English People*, eds Bertram Colgrave et al. (Oxford, 1992).
- Beowulf. Text and Translation*, trans. John Porter (1991; Chippenham 2000).
- Capitulare de banno dominico, Monumenta Germaniae. Capitularia regnum Francorum*, vol. 1, ed. Georg Heinrich Pertz (Hannover, 1835).
- Carta Mercatoria, English Historical Documents*, vol. 3, ed. Harry Rothwell (London, 1975), pp. 517–518.

- Catalogus regum Danie, Scriptores minores historiæ Danicæ Medii Ævi*, vol. 1, ed. M.Cl. Gerz (1917–1918; repr. Copenhagen, 1970).
- Chronicon Lethrense, Scriptores minores historiæ Danicæ Medii Ævi*, vol. 1, ed. M.Cl. Gerz (Copenhagen 1917–1918; repr. Copenhagen, 1970).
- Chronicon Roskildense, Scriptores minores historiæ Danicæ Medii Ævi*, vol. 1, ed. M.Cl. Gertz (Copenhagen, 1917–1918; repr. 1970).
- Chronica Jutensis, Danmarks Middelalderlige Annaler*, ed. Erik Kroman (Copenhagen, 1980).
- Chronica Sialandie, Danmarks Middelalderlige Annaler*, ed. Erik Kroman (Copenhagen, 1980).
- Die Constantinische Schenkungsurkunde*, eds Heinrich Brunner and Karl Zeumer (Berlin, 1888).
- Danernes færd til det hellige land, Krøniker fra Valdemarstiden*, trans. Jørgen Olrik (Copenhagen, 1901).
- Danmarks gamle Købstadslovgivning*, ed. Erik Kroman, vols 1–5 (Copenhagen, 1951–1961).
- Danmarks gamle Landskabslove med Kirkelovene*, vols 1–8, eds Johs. Brøndum Nielsen and Poul Johs. Jørgensen (Copenhagen, 1933–1961).
- Danmarks Kirker, Sorø Amt*, half-volume 1 (Copenhagen, 1936).
- Danmarks Riges Breve*, 1st–2nd series (Copenhagen, 1939–).
- Danmarks Runeindskrifter*, ed. Lis Jacobsen and Erik Moltke (Copenhagen, 1942).
- Danske Helgeners Levned*, trans. Hans Olrik (Copenhagen, 1894; repr. 1968).
- Dante, *Monarchy*, trans. Prue Shaw (Cambridge, 1996).
- Dendrokronologiske rapporter, Nationalmuseet (Copenhagen, 1996): http://natmus.dk/fileadmin/user_upload/natmus/nnu/Dendro/1996/96-5.pdf.
- Diplomatarium Danicum*, 1st–2nd series (Copenhagen, 1938–).
- Domesday Book*, vols 1–38, ed. John Morris (London, 1975–1992).
- Dudo of St Quentin, *De moribus et actis primorum Normanniæ ducum*, ed. Jules Lair (Caen, 1865).
- Dudo of St Quentin, *History of the Normans*, trans. Eric Christiansen (Woodbridge, 1998).
- “Edict of Emperor Valentine”, *Readings in European History*, trans. James Harvey Robinson (Boston, 1904; repr. Ann Arbor, 1997).
- Encomium Emmae Reginae*, ed. Alistair Campbell (Cambridge, 1998).
- Einhardi annales*, in *Monumenta Germaniæ historica, scriptorum*, vol. 1, ed. Georg Heinrich Pertz (Hannover 1826; repr. Stuttgart 1976), p. 139.
- Einhard, *Einhardi vita Karoli Magni, Scriptores rerum Germanicarum in usum scholarum ex monumenta Germaniæ historica separarum editi*, ed. Oswald Holder-Egger (Hannover 1911; repr. 1965).
- Einhard, *Eginhard, The Life of Charlemagne*, trans. S.E. Turner (New York, 1880).

- Emmæ Reginae Richardi I Ducis Normannorum filiae encomium incerto sed coetaneo*, *Scriptores rerum Danicarum Medii Ævi*, vol. 2, ed. Jacobus Langebek (Copenhagen, 1773; repr. Nendeln, 1969).
- Exordium monasterii quod docitur Cara insula*, *Scriptores minores historiae Danicae Medii Ævi*, vol. 2, ed. M.Cl. Gertz (Copenhagen 1918–1920; repr. 1970).
- “Gelasius I to Emperor Anastasius, Letter of Pope”, *Readings in European History*, trans. James Harvey Robinson (Boston, 1904; repr. Ann Arbor, 1997).
- Giles of Rome, *Giles of Rome on Ecclesiastical Power*, trans. R.W. Dyson (Woodbridge, 1986).
- Gregory of Tours, *Gregorii Episcopi Turonensis historiarum, Monumenta Germaniae historica. scriptores rerum Merovingicarum* vol. 1, part. 1, eds Bruno Krusch and Wilhelm Levison (Hannover, 1951).
- Hansisches Urkundenbuch*, vol. 1, ed. Konstantin Höhlbaum (Halle, 1876).
- Helmold of Bosau, *Helmoldi presbyteri Bozoviensis chronica Slavorum*, ed. Heinz Stoob (Darmstadt, 1973).
- Historia de profectione Danorum in Hierosolymam*, *Scriptores minores historiae Danicae Medii Ævi*, vol. 2, ed. M.Cl. Gertz (Copenhagen, 1918–1920; repr. 1970).
- Henry of Huntingdon, *Huntingdon, The Chronicle of Henry of*, trans. Thomas Forester (London, 1953).
- “Kannikebordets Jordebog 1313”, in *Århus Domkapitels Jordebøger*, vol. 3, ed. Poul Rasmussen (Copenhagen, 1975).
- Knytlinge Saga, Sogur Danakonunga*, Carl A. Petersen and Emil Olson, *Samfund til udgivelse af gammel nordisk litteratur*, vol. 46 (Copenhagen, 1919–1925), pp. 27–294.
- Knytlinge Saga*, trans. Jens Peter Ægidius (Copenhagen, 1977).
- Kong Knuts Liv og Gerninger eller Æreskrift for Dronning Emma*, trans. M.Cl. Gertz (Copenhagen, 1896).
- Kong Valdemars Jordebog*, ed. Svend Aakjær, vols 1–3 (Copenhagen, 1926–1945, repr. Copenhagen, 1980).
- Krøniken om Lejrekongerne*, trans. Jørgen Olrik (Copenhagen, 1900–1901).
- Liber daticus Roskildensis* (Copenhagen, 1933).
- Libri memoriales capituli Lundensis. Lunde Domkapitels Gavebøger*, ed. C. Weeke (1884–1889; repr. Copenhagen, 1973).
- Leo the Great, *Sermons of Leo the Great, Library of Nicene and Post Nicene Fathers*, trans. C.L. Feltoe, 2nd ser., vol. 12 (New York, 1985).
- Lucca, Ptolemeus of, *De regimine principum. On the Government of Rulers*, trans. James M. Blythe (Philadelphia, 1997).
- Magna Carta, English Historical Documents*, vol. 3 (London, 1975).
- Malmesbury, William of, *Gesta regum Anglorum*, ed. R.A.B. Mynors (Oxford, 1998).
- Monmouth, Geoffrey of, *History of the Kings of Britain*, trans. Aaron Thompson (Cambridge, Ontario, 1999).

- Nomina regum Danorum, Scriptores minores historiæ Danici mediæ ævi*, vol. 1, ed. M.Cl. Gerz (1917–1918; repr. Copenhagen, 1970).
- The Old English Orosius*, ed. Janet Bately (London 1980).
- Orosius, *Paulus Historiarum adversum paganos libri VII*, ed. Karl Zangemeister (Hildesheim, 1967).
- Otto von Freising, *Otto Bischof von Freising, Chronik oder die Geschichte der zwei Staaten, Ausgewählte Quellen zur deutschen Geschichte des Mittelalters*, ed. Walther Lamers, vol. 16 (Darmstadt, 1961).
- Otto von Freising and Rahewin, *Otto episcopi Frisingensis et Rahewini. Gesta Frederici seu rectius cronica, Ausgewählte Quellen zur deutschen Geschichte des Mittelalters*, ed. Franz-Josef Schmale, vol. 17 (Darmstadt, 1965).
- Padua, Marsilius of, *Defensor pacis, Fontes iuribus Germanici antiqui in usum scholarum ex monumentis Germaniæ historicis, Seperatim editi*, ed. Richard Scholz (Hannover, 1932).
- Paris, John of, *De potestate regi et papali, On Royal and Papal Power*, trans. Arthur P. Monahan (New York, 1974).
- Passio St Kanuti regis & martyris, Scriptores rerum Danicarum Mediæ Ævi*, vol. 3, ed. Jacobus Langebek (Copenhagen, 1774; repr. Nendeln, 1969).
- Polytyque de l'abbaye de Saint-Germain-des-Prés*, ed. A. Longnon (Paris, 1886).
- Prokopius, *Procopii Caesariensis opera omnia*, vol. 2, ed. Gerhard Wirth (Leipzig, 1963).
- Prokopius, *Prokop, Gothenkrieg*, trans. D. Coste (Leipzig, 1885).
- Ravennatis Anonymi Cosmographia*, <http://books.google.dk/books?id=mlxRV1Gz1ZkC&q=>.
- Reges Danorum, Scriptores minores historiæ Danici mediæ ævi*, vol. 1, ed. M.Cl. Gerz (1917–1918; repr. Copenhagen, 1970).
- Regesta pontificum Romanorum*, eds P. Jaffé et al. (Gratz, 1956).
- Regino of Prüm, *Reginonis abbatis Prumiensis chronicon, Scriptores rerum Germanicarum in usum scholarum*, ed. F. Kurze (Hannover, 1890).
- Regino of Prüm, *Reginonis chronica, Ausgewählte Quellen zur Deutschen Geschichte des Mittelalters*, vol. 7, *Quellen zur Karolingischen Reichsgeschichte*, part 3, ed. Reinhold Rau (Berlin, 1960).
- “Regnskabet for Ribebispens gård Brink 1388–89”, eds Bjørn Poulsen and Fritz S. Pedersen, *Danske Magazin* 8.6 (1993), 316–336.
- Repertorium diplomaticum regni Danici mediævalis. Fortegnelse over Danmarks Breve fra Middelalderen med Udtog af de hidtil udtrykte*, ser. 1., eds Kristian Erslev et al. (Copenhagen, 1894–1912).
- Rimbert, *Rimbert, Vita Anskarii, Augewählte Quellen zur deutschen Geschichte des Mittelalters*, vol. 11 (Darmstadt, 2000).
- “Roskildebispens Jordebog”, *Danske Middelalderlige Regnskaber*, ser. 3, vol. 1, Roskildekirkens Jordebøger og regnskaber (Copenhagen, 1965).

- Roskildekroniken*, translated and annotated by Michael H. Gelting (Højbjerg, 1979).
http://runer.ku.dk/VisGenstand.aspx?Titel=Sk%c3%a5rby-sten_1.
http://runer.ku.dk/VisGenstand.aspx?Titel=Hyby-sten_1.
http://runer.ku.dk/VisGenstand.aspx?Titel=%c3%85rhus-sten_5.
<http://runer.ku.dk/VisGenstand.aspx?Titel=Sporup-sten>.
http://runer.ku.dk/VisGenstand.aspx?Titel=V%c3%a4stra_Str%c3%b6-sten_2.
<http://runer.ku.dk/VisGenstand.aspx?Titel=Dalby-stylus>.
<http://runer.ku.dk/VisGenstand.aspx?Titel=Dalby-stylus>.
http://runer.ku.dk/VisGenstand.aspx?Titel=Lund-karbund_4.
 Rutger of Cologne, *Ruotgeri vita Brunonis*, ed. G.H. Pertz (Hannover, 1841).
 Salisbury, John of, *Policraticus, The Statesman's Book of John of Salisbury*, trans. John Dickinson (New York, 1927).
 Saxo Grammaticus, *Gesta Danorum*, vols 1 and 2, eds Karsten Friis-Jensen and Peter Zeeberg (Copenhagen, 2005).
Selected Historical Documents of the Middle Ages, trans. F. Henderson (London, 1910).
Series ac brevior historia regum Danie a Dan ad Valdemarum II, Scriptores minores historiae Danici medii ævi, vol. 1, ed. M.Cl. Gerz (1917–1918; repr. Copenhagen, 1970).
Series regum Danie ex necrologio Lundensi, Scriptores minores historiae Danici medii ævi, vol. 1, ed. M.Cl. Gerz (1917–1918; repr. Copenhagen, 1970).
Skjoldungernes Saga, ed. Claus Lund (Copenhagen, 1984).
 “Smålands runinskrifter”, *Sveriges Ruinskrifter*, vol. 4 (1935–1961).
A Source Book for Medieval History, eds Oliver J. Thatcher and Edgar Holmes McNeal (New York, 1905).
 Sunesen, Anders *Hexaemëron*, ed. M.Cl. Gertz (Copenhagen, 1892).
 Tacitus, *Germania*, ed. Henrich Schweizer-Sidler (Halle, 1923).
 Thietmar of Merseburg, *Thietmar von Merseburg, Chronik*, ed. Werner Trillmich (Darmstadt, 1970).
 “Urkundenbuch des Erzstifts Magdeburgh”, part 1, *Geschichtsquellen des Provinz Sachsen und des Freistaates Anhalt*, n.s., vol. 18 (Magdeburg, 1937).
Widsith, ed. Kemp Malone (Copenhagen, 1962).
 Widukind of Corvey, *Widukindi monachi Corbeiensis rerum gestarum Saxoniarum, Scriptores rerum Germanicarum ex monumentis Germaniae historicis, Seperatim editi*, eds G. Waitz and K.A. Kehr (Hannover, 1935).
 Sven Aggesen, *Works of Sven Aggesen, The Twelfth-Century Danish Historian*, translated with introduction and notes by Eric Christiansen (London, 1992).
 Ælnoth, *Ælnothi monachi historia ortus, vitæ, & passionis St Canuti regis Danicæ, Scriptores rerum Danicarum Medii Ævi*, vol. 3, ed. Jacobus Langebek (Copenhagen, 1774; repr. Nendeln, 1969).
Århus Kannikebords Jordebog ca. 1315, ed. Poul Rasmussen (Viborg, 1992).

Secondary Sources

- Abel, Richard, *Lordship and Military Obligation in Anglo-Saxon England* (Berkeley, 1988).
- Albrechtsen, Erling, *Danmark i Oldtiden* (Copenhagen, 1949).
- Albrechtsen, Erling, *Vikingerne i Franken* (Odense, 1976).
- Albrechtsen, Esben, "Konger og krige 700–1648", in *Dansk Udenrigspolitik Historie*, vol. 1, eds Carsten Due-Nielsen et al. (Copenhagen, 2001).
- Allen, C.F., *Haandbog i Fædrelandets Historie* (Copenhagen, 1881).
- Andersen, Ernst, *Træk af Juraens udvikling* (Copenhagen, 1970).
- Andersen, H. Hellmuth, "Dannevirke", in *Den store danske Encyklopædi*, vol. 4, eds Jørn Lund et al. (Copenhagen, 1996), pp. 600–601.
- Andersen, H. Hellmuth, *Dannevirke og Kovirke. Arkæologiske undersøgelser 1861–1993* (Højbjerg, 1998).
- Andersen, H., *Journal of Danish Archaeology*, vol. 1 (1982).
- Andersen, H., *Skalk* 2 (1984).
- Andersen, Per, *Lærd ret og verdslig lovgivning. Retslig kommunikation og udvikling i middelalderens Danmark* (Copenhagen, 2006).
- Andersen, Per, *Rex imperator in regno suo. Dansk kongemagt og rigslovgivning I 1200-tallets Europa* (Odense, 2005).
- Andersen, Steen Wulff, "Trelleborg", in *Reallexikon der Germanischen Altertumskunde*, vol. 31 (Berlin, 2006), pp. 157–160.
- Anderson, Benedict, *Imagined Communities—Reflections on the Origin and Spread of Nationalism* (London, 1991).
- Andrén, Anders, *Den urbana scenen. Städertoch samhälle i det medeltida Danmark* (Malmö, 1985).
- Arup, Erik, "Leding og Ledingsskat i det 13. Aarhundrede", *HT* 8.5 (1914), 141–237.
- Arup, Erik, *Danmarks Historie*, vol. 1 (Copenhagen, 1925).
- Ascheri, Mario, "Beyond the Commune; The Italian City-State and Its Inheritance", in *The Medieval World*, eds Peter Linehan and Janet L. Nelson (London, 2001), pp. 451–468.
- Bachrach, Bernard S., "Military Organization in Aquitaine under the Early Carolingians", *Speculum* 54 (1974), 1–33.
- Bachrach, Bernard S., *Merovingian Military Organization 481–751* (Minneapolis, 1972).
- Bagge, Sverre, "Ætt, stat og politikk fra vikingetid til 1200-tallet", *Norsk slektshistorisk tidsskrift* 38.2 (2001), 65–80.
- Becker, C.J., "Danske mønter som historisk kildemateriale i 1000-tallet", in *Festskrift til Olaf Olsen* (Copenhagen, 1988), pp. 123–136.
- Becker, C.J., "Lund—Odense—Lund. Numismatiske bidrag til Danmarks historie i 1040'erne", *Hikuin* 11 (1985), 175–182.

- Becker, C.J., "Studies in the Danish Coinage at Lund during the Period c.1030–c.1046", in *Viking-Age Coinage in the Northern Lands. The Sixth Oxford Symposium on Coinage and Monetary History*, eds M.A.S. Blackburn and D.M. Metcalf (Oxford, 1981), pp. 449–477.
- Becker, C.J., "The Coinage of Harthacnut and Magnus the Good at Lund c. 1040–c. 1046", in *Studies in Northern Coinages of the Eleventh Century*, ed. C.J. Becker (Copenhagen, 1981), pp. 119–174.
- Bendixen, Kirsten, "Mønternes funktion i Danmark i perioden c. 1075–1300", *Fortid og Nutid*, 27 (1977–1978).
- Bill, Jan, "The Cargo Vessels", in *Cogs, Cargoes, and Commerce. Maritime Bulk Trade in Northern Europe*, eds Lars Berggren, Nils Hybel, Annette Landen (Toronto, 2002), pp. 92–119.
- Bill, Jan, Bjørn Poulsen, Flemming Rieck, and Ole Ventegodt, *Dansk Søfarts Historie*, vol. 1 (Copenhagen, 1997).
- Bjerg, Hans Chr., "Ledingsbestemmelserne i Jydske Lov", in *Jydske Lov 750 år*, eds Ole Fenger and Chr. R. Jansen (Viborg, 1991), pp. 183–195.
- Bjerre, Mads Smedegaard, *Blev kongemagten svækket i tiden efter Valdemar 2. En analyse af kongemagt og lovgivning 1241–1282* (Copenhagen 2015), unpublished thesis.
- Bøgh, Anders, "Bundones regis. Selvejrbøndernes antal og funktioner, især i senmiddelalderen", in *Konge, kirke og samfund. De to øvrighedsmagter i dansk senmiddelalder*, eds Agnes Arnórsdóttir, Per Ingesman, and Bjørn Poulsen (Aarhus, 2006), pp. 117–150.
- Bolin, Sture, "Skattpenning och plogpenning i medeltidens Danmark", in *Nordiska historikermötet i Göteborg*, ed. Curt Weibull et al. (Lund, 1952), pp. 47–65.
- Bonde, N., *Nyt fra Nationalmuseet* (1979 and 1980).
- Boritz, Mette, "Vikingerne lever", in *Vinkler på Vikingetiden*, eds Mads Blom et al. (Copenhagen, 2013), pp. 104–111.
- Brook, Christopher, *The Medieval Idea of Marriage* (Oxford, 1989).
- Brooke, Christopher, *Europe in the Central Middle Ages 962–1154* (London, 1964).
- Brundage, James A., *Medieval Canon Law* (Harlow, 1995).
- Brunner, Heinrich, *Deutsche Rechtsgeschichte*, vol. 1 (Leipzig, 1887; 2nd ed. 1906).
- Brunner, Heinrich, *Zur Rechtsgeschichte der römischen und germanischen Urkunde* (Berlin, 1880; repr. 1961).
- Bugge, A., *Vikingerne* (Christiania, 1904–1906).
- Canning, Joseph, *A History of Medieval Political Thought 300–1450* (1996; repr. Abingdon, 2005).
- Carelli, Peter, "Den tidligmedeltida staden som monetär arena—exemplet Lund", in *Medievalerbyen*, ed. Søren Bitsch Christensen (Aarhus, 2004), pp. 63–78.
- Christensen, Aksel E., "Erik Arup", in *Dansk. Biografisk Leksikon*, vol. 1 (Copenhagen, 1979), pp. 303–307.

- Christensen, Aksel E., "Mellem Vikingetid og Valdemarstid", *HT* 12.2 (Copenhagen, 1966–1967), pp. 31–53.
- Christensen, Aksel E., "Tiden 1042–1241", *Danmarks Historie*, vol. 1, eds Aksel E. Christensen et al. (Copenhagen, 1977), pp. 213–399.
- Christensen, Aksel E., *Kongemagt og Aristokrati. Epoker i middelalderlig dansk Statsopfattelse indtil Unionstiden* (Copenhagen, 1945).
- Christensen, Arne Søby, *Cassiodorus Jordanes and the History of the Goths* (Copenhagen, 2002).
- Christensen, C.A., "Nedgangen i landgilden i det 14. århundrede", *HT*, 10th ser., 1 (1931), 446–465.
- Christensen, Emil Lauge, *Jordkonflikter med gejstligheden i Roskilde indtil 1300—En social og retlig analyse*, unpublished thesis (Copenhagen, 2010).
- Christensen, Karsten, "Forholdet mellem Saxo og Sven Aggesen", in *Saxostudier*, ed. Ivan Boserup (Copenhagen, 1975), pp. 128–142.
- Christiansen, Eric, *The Works of Sven Aggesen* (London, 1992).
- Christiansen, Tage E., "Isti tres fratres. Broderlisten i Kong Valdemars Jordebog", in ed. Tage E. Christiansen et al., *Middelalderstudier. Tilegnede Aksel E. Christensen* (Copenhagen, 1966), pp. 77–112.
- Cinthio, Erik, "Dalby kyrkas stiftare och donatorer. En spekulativ bildtolkning", in *Från romantik till nygotik: studier i kyrklig konst och arkitektur tillägnade Evald Gustafsson*, ed. M. Ullen (Stockholm, 1992), pp. 1–10.
- Coleman, E., "The Italian Communes. Recent Work and Current Trends", *Journal of Medieval History* 25 (1999), 373–397.
- Coleman, Janet, "Domium in Thirteenth and Fourteenth-Century-Thought and Its Seventeenth-Century Heirs: John of Paris and Locke", *Political Studies* 33 (1985), 73–100.
- Coleman, Janet, "Property and Poverty", in *The Cambridge History of Medieval Thought c. 350–c. 1450*, ed. J.H. Burns (Cambridge, 1988).
- Contamine, Phillip, *War in the Middle Ages* (Oxford, 1984).
- Damsholt, Nanna, "Kongeopfattelse og kongeideologi hos Saxo", in *Saxostudier*, ed. Ivan Boserup (Copenhagen, 1975), pp. 148–155.
- Danske Korstog. Krig og Mission i Østersøen*, eds John H. Lind et al. (Copenhagen, 2004).
- Danstrup, John, "Træk af den politiske kamp 1131–82", *Festskrift til Erik Arup*, eds Astrid Friis and Albert Olsen (Copenhagen, 1946), pp. 65–87.
- Davies, Craig R., "An Ethnic Dating of *Beowulf*", *Anglo-Saxon England* 35 (2006).
- Den Store Danske Encyklopædi*, vols 1–20, ed. Jørn Lund (Copenhagen, 1994–2001).
- Deutsch 1200 Jahre Dänische Grenze*, eds Steen Bo Frandsen, Martin Krieger, and Frank Lubowitz (Kiel, 2013).
- Dilcher, G., "Libri feudorum", *Handwörterbuch zur deutschen Rechtsgeschichte*, vol. 2, eds Adelbert Erler et al. (Berlin, 1971), cols 1995–2001.

- Djupdræt, Martin Brandt, "Vikingen bliver til", in *Vinkler på Vikingetiden*, eds Mads Blom et al. (Copenhagen, 2013), pp. 6–14.
- Dobat, A.S. "Danevirke Revisited: An Investigation into Military and Socio-Political Organisation in South Scandinavia c. AD 700 to 1100", *Medieval Archaeology* 52 (2008), 27–67.
- Domar, Hardy, "Pengeombytning og møntudstedelse i det danske rige ca. år 1000-ca. år 1360", 1–11 (forthcoming).
- Duby, Georges, "French Genealogical Literature", in *The Chivalrous Society*, trans. Cynthia Postan (Berkeley, 1977), pp. 149–157.
- Duby, Georges, "Lineage, Nobility and Sociology of the Medieval West", in *The Chivalrous Society*, trans. Cynthia Postan (Berkeley, 1977), pp. 59–80.
- Duby, Georges, *Medieval Marriage—Two Models from Twelfth-Century France* (London, 1978).
- Dümmeler, Ernst, "Geschichte des ostfränkischen Reiches", *Jahrbücher der deutschen Geschichte*, vol. 2 (Leipzig, 1897).
- Dumville, David N., "Kingship, Genealogies and Regnal Lists", in *Early Medieval Kingship*, eds P.H. Sawyer and I.N. Wood (Leeds, 1977), pp. 72–104.
- Dunbabin, Jean, "Government", in *The Cambridge History of Medieval Political Thought*, ed. J.H. Burns (Cambridge, 1997), pp. 498–504.
- Elfver, Frédéric, "Myntet med 'påvemössan'—Sven Estridsen, Hauberg 47": <http://www.danskmoent.dk/artikler/elfver1.htm>.
- Enemark Poul, "Handelsafgifter", *Kulturhistorisk leksikon for nordisk middelalder*, vol. 6, eds Allan Karker et al. (Copenhagen, 1961), cols 119–123.
- Enemark, Poul, "Herremandshandel i senmiddelalderen og 16. århundrede", in *Riget, magten og æren. Den danske adel 1350–1660*, eds Per Ingesman and Jens Villiam Jensen (Aarhus, 2001), pp. 398–425.
- Enemark, Poul, "Told", *Kulturhistorisk leksikon for nordisk middelalder*, vol. 18, eds Alan Karker et al. (Copenhagen, 1974), cols 431–439.
- Enemark, Poul, "Vesteuropa, Lybæk og dansk handel i senmiddelalderen", *HT* 5.6 (1991), 363–401.
- Englert, Anton, "Naves Magnae—Den professionelle søhandels fartøjer", in *Ett Annat 1100-tal. Individ, kollektiv och kulturella mönster i medeltidens Danmark*, eds Peter Carelli et al. (Stockholm, 2004), pp. 111–117.
- Eriksen, John M., *Håndværkerlavene i Danmark 1400–1600*, unpublished thesis (Copenhagen, 1984).
- Erslev, Kristian, *Valdemarernes Storhedstid. Studier og Omrids* (Copenhagen, 1898).
- Ethelberg, Per, Nis hardt, Bjørn Poulsen, and Anne Birgitte Sørensen, *Det sønderjyske landbrugs historie. Jernalder, vikingetid og middelalder* (Haderslev, 2003).
- Eva Nyman "Trelleborg", in *Reallexikon der Germanischen Altertumskunde*, vol. 31 (Berlin, 2006), pp. 118–119.

- Feldbæk, Ole, "Is There Such a Thing as a Medieval Danish Identity?", in *The Birth of Identities—Denmark and Europe in the Middle Ages*, ed. Brian Patrick McGuire (Copenhagen, 1996), pp. 127–134.
- Fenger, Ole, "Jydske Lov og de øvrige danske landskabslove", in *Jyske Lov 750*, eds Ole Fenger and Chr. R. Jansen (Viborg, 1991), pp. 35–50.
- Fenger, Ole, "Kirker rejses alle vegne", *Gyldendal og Politikens Danmarkshistorie*, vol. 4, ed. Olaf Olsen (Copenhagen, 1989).
- Fenger, Ole, "Kongelev og krongods", *HT* 100 (2000), 257–284.
- Fenger, Ole, *Fejde og Mandebod. Studier over slægtsansvaret i germansk og gammel-dansk ret* (Copenhagen, 1971).
- Fenger, Ole, *Romerret i Norden* (Copenhagen, 1977).
- Fenger, Ole, "En anledning?", in *Jyske Lov 750*, eds Ole Fenger and Chr. R. Jansen (Viborg, 1991), pp. 9–16.
- Finsterwalder, Paul Willem, "Die Gesetze des Reichstags von Roncalia vom 11. November 1158", *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Germanische Abteilung* 51 (1931), 1–69.
- Fjord, Ane, *Memorialkultur i dansk middelalder, ca. 700–1250*, unpublished thesis, University of Copenhagen (Copenhagen, 2005).
- Friis-Jensen, Karsten, "Was Saxo Grammaticus a Canon of Lund?", *Cahiers de l'Institut du moyen-âge grec et latin* (Copenhagen, 1989), pp. 323–330.
- Friis-Jensen, Karsten, *Saxo Grammaticus as Latin poet. Studies in the Verse Passages of the Gesta Danorum* (Rome, 1987).
- Friis-Jensen, Karsten, *Saxo og Vergil. En analyse af 1931-udgavens Vergil-paralleller* (Copenhagen, 1975).
- Fritzbøger, Bo, "Esrum klostres landskaber", *Bogen om Esrum Kloster*, eds Søren Frandsen et al. (Holstebro, 1997), pp. 79–97.
- Galster, Georg, "Knud den Helliges jyske mønter", *Årbøger for Nordisk Oldkyndighed* (1934), 129–136.
- Geary, Patrick J., *The Myth of Nations. The Medieval Origins of Europe* (Princeton, 2002).
- Gellner, Ernst, *Nations and Nationalism* (Oxford, 1984).
- Gelting, Michael, "Pope Alexander III and Danish Laws of Inheritance", in *How Nordic Are the Nordic Medieval Laws?*, eds D. Tamm and H. Vogt (Copenhagen, 2005), pp. 85–114.
- Gelting, Michael, "Skånske Lov og Jyske Lov. Danmarks første kommissionstænkning og Danmarks første retspleje", in *Jura og Historie. Festschrift til Inger Dübeck som forsker*, eds H. Dam, L. Dybdahl and F. Taksøe-Jensen (Copenhagen, 2003), pp. 43–80.
- Genicot, Leopold, "Recent Research on the Medieval Nobility", in *The Medieval Nobility. Studies on the Ruling Classes of France and Germany from the Sixth to the Twelfth Century*, ed. Timothy Reuter (Amsterdam, 1979), pp. 17–35.
- German, Gustav, *Tallinn* (Tallinn, 1993).

- Gillingham, John, "The Most Precious Jewel in the English Crown': Levels of Danegeld and Heregeld in the Early Eleventh Century", *The English Historical Review* 104 (1989), 373–406.
- Godfried Croenen, "Princely and Noble Genealogies, Twelfth to Fourteenth Century: Form and Function", in *The Medieval Chronicle: Proceedings of the 1st International Conference on the Medieval Chronicle*, ed. Erik Kooper (Amsterdam, 1999), pp. 84–95.
- Goetz, Hans-Werner, "The Perception of 'Power' and 'State' in the Early Middle Ages: The Case of the Astronomer's 'Life of Louis the Pious'", in *Representations of Power in Medieval Germany 800–1500*, eds Björn Weiler and Simon MacLean (Turnhout, 2006).
- Gras, N.S.B., *The Early English Customs System* (Cambridge, 1918).
- Greenwood, Ryan, "War and Sovereignty in Medieval Roman Law", *Law and History Review* 31.1 (Cambridge, 2014), pp. 31–63.
- Grinder-Hansen, Keld, "Møntfornyetelser (*renovatio monetarum*) i Danmark fra år 1200 til Christopher 11's død i 1332", *Nordisk Numismatisk Unions Medlemsblad* (1997), 130–136.
- Grinder-Hansen, Keld, *Kongemagtens krise. Det danske møntvæsen 1241–1340* (Copenhagen, 2000).
- Gullbekk, Svein H., "Myntforringelse i Danmark og innføring af monopolmynt under Sven Estridsen (1047–74)", *Nordisk numismatisk årsskrift* (1994–1996), 122–123.
- Gulya, János, "Der Hoftag in Quedlinburg 973", in *Der Hoftag in Quedlinburg 973. Von den historischen Wurzeln zum Neuen Europa*, ed. Andreas Ranft (Berlin, 2006), pp. 19–27.
- Gulya, János, "Der Hoftag in Quedlinburg 973", in *Der Hoftag in Quedlinburg 973. Von den historischen Wurzeln zum Neuen Europa*, ed. Andreas Ranft (Berlin, 2006), pp. 19–27.
- Habicht, V.C., "Der Sinn für die Wirklichkeit in der niedersächsischen Kunst", *Zeitschrift für Kunstgeschichte* 7 (1938), 1–10.
- Hansen, H.J., "Sct. Gertruds Kapel i Kjøge", *Fra Arkiv og Museum* 3 (1905–1908), 138–145.
- Hecker, Damian, *Eigentum als Sachherrschaft. Zur Genese und Kritik eines besonderen Herrschaftsanspruchs* (Paderborn, 1990).
- Heebøll-Holm, Thomas, *Ports, Piracy and Maritime War: Piracy in the English Channel and the Atlantic, c. 1280–c. 1330* (Leiden, 2013).
- Hermanson, Lars, "Släkt, vänner och makt i det tidiga 1100-tallets Danmark", *Historisk Tidsskrift* 98 (1998), 241–275.
- Hermanson, Lars, *Släkt, vänner och makt: en studie av elitens politiska kultur i 1100-talets Danmark* (Göteborg, 2000).
- Hill, Thomas D., "Woden as 'Ninth Father': Numerical Patterning in Some Old English Royal Genealogies", in *Germania. Comparative Studies in Old Germanic Languages and Literatures*, eds Daniel G. Calder and T. Craig Christy (Wolfeboro, 1988), pp. 161–174.

- Hødnebø, Finn, "Viking", in *Kulturhistorisk leksikon for Nordisk Middelalder*, vol. 20 (Copenhagen, 1976), cols 20–24.
- Hoff, Anette, *Lov og Landskab. Landskabslovenes bidrag til forståelsen af landbrugs- og landskabsudviklingen i Danmark ca. 900–1250* (Aarhus, 1997).
- Hoffmann, Erich, *Königserhebung und Thronfolgeordnung in Dänemark bis zum Ausgang des Mittelalters* (Berlin, 1976).
- Holberg, Ludvig Schall, *Dansk og fremmed ret. Retshistoriske Afhandlinger* (Copenhagen, 1891).
- Holm, Poul, "Catches and Manpower in the Danish Fisheries, c. 1200–1995", in *The North Atlantic Fisheries, 1100–1976. National Perspectives on a Common Resource*, eds Poul Holm, David Starkey, and Jón Thor (Esbjerg, 1996), pp. 177–206.
- Holm, Poul, "De skånsk-hallandske bondeoprør 1180–82", in *Til Kamp for Friheden. Sociale Oprør i Nordisk Middelalder*, eds Anders Bøgh, Jørgen Würtz Sørensen, and Lars Tvede-Jensen (Aalborg, 1988), pp. 72–89.
- Holm, Poul, "Kampen om det som ingen ejer. Omrettighederne til den øde jord indtil 1241, som baggrund for den tidlige middelalders bondeuro", in *Til Kamp for Friheden. Sociale oprør i nordiske middelalder*, eds Anders Bøgh et al. (Aalborg, 1988), pp. 90–109.
- Holmberg, Bente, "Personnavnene i Broderlisten", in *Broderliste, Broderskab, Korstog Bidrag til opklaringen af en gåde fra dansk højmiddelalder*, ed. Janus Møller Jensen (Odense, 2006), pp. 123–142.
- Hørby, Kai, "C.F. Allen", in *Dansk Biografisk Leksikon*, vol. 1 (Copenhagen, 1979), pp. 121–124.
- Hørby, Kai, "Velstands krise og tusind baghold 1250–1400", *Gyldendal og Politikens Danmarkshistorie*, ed. Olaf Olsen, vol. 5 (Copenhagen, 1989).
- Huitfeldt, Arild, *Danmarks Riges Krønike*, vol. 9 (1603; repr. Copenhagen, 1978).
- Hundahl, Kerstin, *Preter Rugiam et terras ei Attinentes. Rügen—A Forgotten Fief of the Danish Kings c. 1168–1325*. Unpublished thesis (Copenhagen, 2011).
- Hybel, Nils, "Dansk eksport på det nordeuropæiske marked c. 1200–1350", eds Per Ingesman and Bjørn Poulsen, *Danmark og Europa i Senmiddelalderen* (Aarhus, 2000), pp. 183–197.
- Hybel, Nils, "Den såkaldte Svend Estridsens kongemagt", in *Svend Estridsen*, ed. Lasse Sonne and Sarah Croix (Odense, 2016), pp. 173–194.
- Hybel, Nils, "Marca und Feudum—Das dänische Königtum und der Kaiser, 824–1214", in *1200 Jahre Deutsch Dänische Grenze. Aspekte einer Nachbarschaft*, eds Steen Bo Frandsen, Martin Krieger, and Frank Lubowitz (Neumünster, 2013), pp. 95–105.
- Hybel, Nils, "Sildehandel og sildefiskeri i den nordvestlige Nordsø i begyndelsen af det 14. århundrede", in *Søfart Politik Identitet tilegnet Ole Feldbæk*, eds Hans Jeppesen et al. (Helsingør, 1996), pp. 27–42.

- Hybel, Nils, "Skatten som civilisationens krumtap", in *1066 Tidsskrift for Historie*, no. 2 (Copenhagen, 2005).
- Hybel, Nils, "Taxes, Tributes and Tributary Lands in the Making of the Scandinavian Kingdoms in the Middle Ages", *HT* 9.4 (2012).
- Hybel, Nils, "The Creation of Large-Scale Production in Denmark", *Scandinavian Journal of History* 4 (1995), 259–280.
- Hybel, Nils, "The Roman Catholic Institutions and the Creation of Large Landed Estates in Denmark", in *Settlement and Lordship in Viking and Early Medieval Scandinavia*, eds S.M. Sindbæk and B. Poulsen (Turnhout, 2012).
- Hybel, Nils, and Bjørn Poulsen, *The Danish Resources c. 1000–1550. Growth and Recession* (Leiden, 2007).
- Hybel, Nils, *Danmark i Europa 750–1300* (Copenhagen, 2003).
- Imsen, Steiner, *Taxes, Tributes and Tributary Lands in the Making of the Scandinavian Kingdoms in the Middle Ages* (Trondheim, 2011).
- Ingesman, Per, *Ærkesædets godsadministration i senmiddelalderen* (Lund, 1990).
- Jacobsen, Grethe, *Kvindeskikkelser og kvindelig liv i Danmarks middelalder* (Copenhagen, 1986).
- Jahnke, Carsten, *Das Silber des Meeres* (Cologne, 2000).
- Jansson, Sven B.F., *Runinskrifter i Sverige* (Stockholm, 1984).
- Jensen, Janus Møller, "Broderskaber og Korstog", in *Broderliste, Broderskab, Korstog Bidrag til opklaringen af en gåde fra dansk højmiddelalder*, ed. Janus Møller Jensen (Odense, 2006), pp. 215–236.
- Jensen, Jørgen Steen, "Møntfornyelser (Renovatio monetæ) i Danmark indtil år 1200", *Nordisk Numismatisk Unions medlemsblad* 8 (1996), 130–136.
- Jensen, Kurt Villads, "Broderliste, Vederlov og Holger Danske", in *Broderliste, Broderskab, Korstog Bidrag til opklaringen af en gåde fra dansk højmiddelalder*, ed. Janus Møller Jensen (Odense, 2006), pp. 203–214.
- Johansen, Marianne, and Helle Halding, *Thi de var af stor slægt, om Hvideslægten og kongemagten i Danmarks højmiddelalder* (Ebeltoft, 2001).
- Johansen, Paul, *Die Estlandsliste des liber census Daniae* (Copenhagen, 1933).
- Jonathan P. Philips, *The Second Crusade: Extending the Frontiers of Christendom* (Bury St Edmunds, 2007).
- Jonsson, Erik, *Oldnordisk Ordbog ved det Kongelige Nordiske Oldskrift Selskab* (Copenhagen, 1863).
- Jørgensen, Lars, "Manor and Market at the Lake Tissø in the Sixth to Eleventh Century: A Survey of the Danish Productive Sites", in *Markets in Early Medieval Europe: Trading and 'Productive Sites' c. 650–850*, eds Tim Pestell and Catharina Ulmschneider (Oxford, 2003), pp. 175–207.
- Jørgensen, Lars, and Lisbeth Pedersen, "Vikinger ved Tissø. Gamle og nye fund fra et handels- og håndværkscenter", in *Nationalmuseets Arbejdsmark* (Copenhagen, 1996), pp. 22–36.

- Jørgensen, Poul Johs., "Review of Arup's *Danmarks Historie*", *HT* 9.4 (1925–1926), 335–351.
- Jørgensen, Poul Johs., *Dansk Retshistorie. Retskildernes og forfatningsrettens historie indtil sidste halvdel af det 17. aarhundrede* (Copenhagen, 1940).
- Jørgensen, Stig "Jydske Lov i europæisk sammenhæng", in *Jydske Lov 750 år*, eds Ole Fenger and Chr. R. Jansen (Viborg, 1991), pp. 18–25.
- Kalkar, Otto, *Ordbog til det ældre danske sprog (1300–1700)*, vol. 4 (Copenhagen 1902–1907; repr. 1976).
- Keary, C.F., *The Vikings in Western Christendom A.D. 789 to A.D. 888* (London, 1891).
- Kiernan, Kevin, *Beowulf and the Beowulf Manuscript* (1981; Ann Arbor, 1996).
- Klein-Bruckschwaiger, F., "Erbleihe", *Handwörterbuch zur deutschen Rechtsgeschichte* 1 (1971): cols 968–971.
- Knudsen, Anders Leegaard, "Interessen for den danske fortid omkring 1300—En Middealderlig dansk nationalisme", *HT* 100.1 (2000), 1–32.
- Koch, Hal, "Kongemagt og Kirke 1060–1241", *Danmarks Historie*, vol. 3, eds John Danstrup and Hal Koch (Copenhagen, 1963).
- Koch, Hal, *Danmarks Kirke i den begyndende Højmiddelalder* (Copenhagen, 1936).
- Koch, Hal, in *Den danske Kirkes Historie*, vol. 1, eds Hal Koch and Bjørn Kornerup (Copenhagen, 1950).
- Koch, Hal, in *Schultz' Danmarkshistorie*, vol. 1 (Copenhagen, 1941).
- Kofod, Peder Ancher, *En Dansk Lov-Historie fra Kong Harald Blaatands Tid til Kong Christian den femtes*, vols 1–2 (Copenhagen, 1769–1776).
- Kolderup-Rosenvinge, J.L.A., *Grundrids af den danske Retshistorie til Brug ved Forelæsninger*, vols 1–2 (Copenhagen, 1822–1823).
- Königsfeldt, J.P.F., *Genealogisk-Historiske Tabeller over De Nordiske Rigers Kongeslægter* (Copenhagen, 1856).
- Kræmmer, Michael, *Kongemordernes slægt. Om Hvideslægten og den rolle i 1200-tallets konflikter mellem konge, kirke og adel* (Copenhagen, 2013).
- Kroman, Erik, "Danmarks gamle Love. Deres Alder og indbyrdes slægtsskab", *Acta philologica Scandinavia* 29.2 (1971–1973), 111–126.
- Kulturhistorisk Leksikon for Nordisk Middelalder, vols 1–22 (Copenhagen, 1957–1978).
- Lamont, Margaret, "'Genealogical' History and the English Roll", in *Medieval Manuscripts, Their Makers and Users*, ed. Henry Ansgar Kelly (Turnhout, 2011), pp. 245–261.
- Landsberg, Ernst, *Die Glosse des Accursius und ihre Lehre von Eigenthum* (Leipzig, 1883).
- Lapidge, Michael, "The Archetype of *Beowulf*", *Anglo-Saxon England* 29 (2000), 5–41.
- Large, Donald W., "This Land Is Whose Land? Changing Concepts of Land Property", *Law Journal Library Wisconsin Law Review* (1973), 1040–1083.
- Lauss, K., *Entwicklungsgeschichte des Dominium utile* (Göttingen, 1916).
- Lawson, M.K., "The Collection of Danegeld and Heregeld in the Reigns of Aethelred and Cnut", *The English Historical Review* 99 (1984), 721–738.

- Lerdam, Henrik, *Kongen og Tinget. Det senmiddelalderlige retsvæsen 1340–1448* (Copenhagen, 2001).
- Levy, Ernst, *West Roman Vulgar Law. The Law of Property* (Philadelphia, 1951).
- Lewis, Ewart, *Medieval Political Ideas*, vol. 2 (London, 1954).
- Line, Philip, *Kingship and State Formation in Sweden 1130–1290* (Leiden, 2007).
- Ljungqvist, Fredrik C., *Kungamakten och lagen* (Stockholm, 2014).
- Lund, Claus, “Indledning” to *Skjoldungernes Saga* (Copenhagen, 1984).
- Lund, Niels, “Kværsæde fast demobilisering eller almindelig ledingsafløsning?”, *HT* 2 (1999), 376–378.
- Lund, Niels, “Peace and non-Peace in the Viking Ages—Ottar in Biarmaland, the Rus in Byzantium, and Danes and Norwegians in England”, in *Proceedings of the Tenth Viking Congress, Larkollen, Norway, 1985*, ed. James E. Knirk, Universitetes Oldsaksamlings Skrifter, n.s., 9 (Oslo, 1987), pp. 255–269.
- Lund, Niels, “The Danish Perspective”, in *The Battle of Maldon AD 991*, ed. D.G. Scragg (Oxford, 1991), pp. 114–142.
- Lund, Niels, *Lid, leding og landeværn. Hær og samfund i Danmark i ældre middelalder* (Roskilde, 1996).
- Maiolo, Francesco, *Medieval Sovereignty. Marsilius of Padua and Bartolus of Saxoferrato* (Delft, 2007).
- Maixner, Birgit, *Haithabu. Fernhandelszentrum zwischen den Welten* (Haithabu, 2010).
- McGovern, John F., “Private Property and Individual Rights in Commentaries of the Jurists A.D. 1200–1500”, in *In Iure Veritas: Studies in Canon Law in Memory of Schafer Williams*, eds Steven B. Bowman and Blance E. Cody (Cincinnati, 1991), pp. 131–158.
- Mitchell, S.K. *Taxation in Medieval England* (London, 1951).
- Mortensen, Lars Boje, “The Status of the ‘Mythical’ Past in Nordic Latin Historiography, c. 1170–1220”, in *Medieval Narratives between History and Fiction. From the Centre to the Periphery of Europe, c. 1100–1400*, eds Panagiotis A. Agapitos and Lars Boje Mortensen (Copenhagen, 2012), pp. 103–139.
- Münster-Swendsen, Mia, “Saxos skygge—Sven, Saxo og meningen med *Lex Castrensis*”, in *Saxo og hans samtid*, eds Per Andersen and Thomas K. Heebøll-Holm (Aarhus, 2012), pp. 91–112.
- Nelson, J.L., *Charles the Bald* (London, 1992).
- Netterstrøm, Jeppe Büchert, “Feud in Late Medieval and Early Modern Denmark”, in *Feud in Medieval and Early Modern Europe*, eds Jeppe Büchert Netterstrøm and Bjørn Poulsen (Aarhus, 2007), pp. 175–187.
- Nielsen, Anders Reinholdt, *Fra marksten til murværk. En ressourceøkonomisk analyse af det danske landsbykirkebyggeri fra 1100–1300* (Copenhagen, 2007). Unpublished thesis.
- Niersmeyer, J.F., *Mediae Latinitatis lexicon minus* (Leiden, 1997).
- Nørlund, P., “Trelleborg”, *Nordiske Fortidsminder* 4.1 (1948).

- Nørlund, Poul, "Jorddrotter på Valdemarstiden", in *Festskrift til Kristian Erslev den 28. December 1927 fra danske Historikere*, ed. Poul Nørlund (Copenhagen, 1927), pp. 141–170.
- Nors, Thyra, "Ægteskab og politik i Saxos Gesta Danorum", *HT* 98.1 (1998), 1–33.
- Nyberg, Tore, "Kong Valdemars Jordebog-manuskriptet og Broderlistens plads deri", in *Broderliste, Broderskab, Korstog Bidrag til opklaringen af en gåde fra dansk højmiddelalder*, ed. Janus Møller Jensen (Odense, 2006), pp. 107–122.
- Orlik, Hans, *Konge og Praestestand*, vol. 1 (Copenhagen, 1893)
- Orlik, Jørgen, "Om forholdet imellem Saksens og Knytlingasagas fremstilling af Danmarks historie 1146–1187", *HT* 10.1. (1930–1931), 131–190.
- Olsen, Olaf, "Royal Power in Viking Ages Denmark", in *Syvende tværfaglige Vikingsymposium*, ed. Hans Bekker-Nielsen (Odense, 1988), pp. 7–20.
- Olsen, Olaf, and H. Schmidt, "Fyrkat 1", *Nordiske Fortidsminder*, ser. B, vol. 3 (1977).
- Olsen, Rikke Agnete, *Borge i Danmark* (Herning, 1986).
- Olsen, Rikke Agnete, *Danske Middelalderborge* (Aarhus, 2011).
- Ordbog over det danske sprog*, vol. 27 (Copenhagen, 1954). <http://ordnet.dk/ods/ordbog?query=%C3%A6t&search=S%C3%B8g>.
- Paludan, Helge, "Flos Danie. Personer og standpunkter i dansk politik under kong Niels", *Historie/Jyske Samlinger*, n.s., 7 (Aarhus, 1966–1967), 498–525.
- Paludan, Helge, "Tiden 1241–1340", in *Danmarks Historie*, vol. 1, eds Aksel E. Christensen et al. (Copenhagen, 1977).
- Paludan-Müller, C., "To Bemærkninger i Anledning af Prof. F. Hammerichs nyeste Skrift: En Skolastiker og en Bibeltheolog fra Norden", *Ny Kirkehistoriske Samlinger*, vol. 3 (Copenhagen, 1864–1866), 430–433.
- Percival, John, "The Precursors of Domesday: Roman and Carolingian Land Registers", in *Domesday Book, A Reassessment*, ed. Peter Sawyer (London, 1985), pp. 5–27.
- Perrin, John W., "Azo, Roman Law and Sovereign European States", *Studia Gratiana*, vol. 15 (Rome, 1972), pp. 89–101.
- Pohl, Walter, "Introduction: Strategies of Distinction", in *Strategies of Distinction. The Construction of Ethnic Communities, 300–800*, ed. Walter Pohl with Helmut Reimitz (Leiden, 1998), pp. 2–9.
- Poulsen, Bjørn, "Kingdoms on the Periphery of Europe: The Case of Medieval and Early Modern Scandinavia", in *Economic Systems and State Finance*, ed. Richard Bonney (Oxford, 1995), pp. 101–122.
- Poulsen, Bjørn, "The Widening of Import Trade and Consumption around 1200 A.D.: A Danish Perspective", in *Cogs, Cargoes, and Commerce. Maritime Bulk Trade in Northern Europe 1150–1400*, eds Lars Berggren, Nils Hybel, and Annette Landen (Toronto, 2002), pp. 31–52.
- Previté-Orton, C.W., *The Shorter Cambridge Medieval History*, vol. 1 (Cambridge, 1977).
- Ramskou, Thorkil, "Normannertiden 600–1060", *Danmarks Historie*, vol. 2, eds John Danstrup and Hal Koch (Copenhagen, 1963).

- Rasmussen, Kristen J., "Jydernes gamle stivsind. Bondeoprør og adels reaktion imod Erik Menved i 1313", in *Til kamp for friheden. Sociale oprør i nordiske middelalder*, eds Anders Bøgh et al. (Aalborg, 1988).
- Reeve, Andrew, *Property* (London, 1986).
- Reuter, Timothy, "The End of Carolingian Military Expansion", in *Charlemagne's Heir. New Perspectives on the Reign of Louis the Pious (814–840)*, eds Peter Godman and Roger Collins (Oxford, 1990), pp. 391–405.
- Riis, Thomas, "Saxo und die offizielle Königsideologie", in *Saxo and the Baltic Region*, ed. Tore Nyberg (Odense, 2004), pp. 93–104.
- Riis, Thomas, "Villici og coloni indtil 1340. Et forsøg på begrebsanalyse", in *Landbohistoriske studier tilegnede Fridlev Skrubbeltrang*, ed. S. Gissel (Copenhagen, 1970), pp. 1–20.
- Robinson, I.S., *The Papacy 1973–1998, Continuity and Innovation* (Cambridge, 1990).
- Robinson, H., *Readings in European History* (Boston, 1905).
- Roesdahl, Else, "Fyrkat 11", *Nordiske Fortidsminder*, ser. B, vol. 4 (1977).
- Roesdahl, Else, *Skalk* 3 (1977).
- Sawyer, Peter, "Da Danmark blev Danmark", *Politiken og Gyldendals Danmarkshistorie*, vol. 3, ed. Olaf Olsen (Copenhagen, 1988).
- Schück, Adolf, "Kring et dunkelt stadgande i den skånska ledungsrådet", in *Afhandlinger tilegnede arkivmanden og historikeren, rigsarkivar, dr. Phil. Axel Linvald af nordiske fagfæller på halvferdsårsdagen 28. januar 1956*, eds Johan Hvidtfeldt and Harald Jørgensen (Copenhagen, 1965), pp. 309–317.
- Schwab, D., "Eigentum", *Geschichtliche Grundbegriffe*, vol. 2, eds Otto Brunner et al. (Stuttgart 1975).
- Siemonsen, Jørgen D., "Kongeriget gennem 1200 år", *Berlingske Tidende*, 15 April (Copenhagen, 2011).
- Skovgaard-Petersen, Inge, "Oltid og Vikingetid", *Danmarks historie*, vol. 1, eds Aksel E. Christensen et al. (Copenhagen, 1977).
- Skovgaard-Petersen, Inge, "Vikingerne i den nyere forskning", *HT* 12.5 (1971), 651–721.
- Skovgaard-Petersen, Inge, *Da Tidernes Herre var nær. Studier i Saxos historiesyn* (Copenhagen, 1987).
- Skovgaard-Petersen, Inge, "Vikingerne i den nyere forskning", *HT* 12:5 (1971), 651–721.
- Skyum-Nielsen, Niels, "Review of T. Riis, Les institutions politiques centrales du Danemark 1100–1332", *Historisk Tidsskrift* 2 (1980), 525–538.
- Skyum-Nielsen, Niels, *Kirkekampen i Danmark 1241–1290* (Copenhagen, 1963).
- Skyum-Nielsen, Niels, *Kvinde og Slave. Danmarkshistorie uden retouché* 3 (Copenhagen, 1971).
- Søren M. Sindbæk, "Aggersborg og andre borge", in *Aggerborg i Vikingetiden. Bebyggelsen og borgen*, eds Else Roesdahl et al. (Aarhus, 2014).
- Southern, R.W., *Medieval Humanism and Other Studies* (Oxford, 1970).

- Spiegel, Gabrielle M., "Genealogy: Form and Function in Medieval Historical Narrative", *History and Theory* 22.1 (1983), 43–53.
- Steenstrup, Johannes, "Det Danske Folk 1042–1241", *Det Danske Folks Historie*, vol. 2 (Copenhagen, 1927).
- Steenstrup, Johannes, "Det Danske Folk i Vikingetiden", *Det Danske Folks Historie*, vol. 1 (Copenhagen, 1927).
- Steenstrup, Johannes, "Oldtiden og den ældre middelalder", *Danmarks Riges Historie*, vol. 1 (Copenhagen, 1904).
- Steenstrup, Johannes, *Normannerne* (Copenhagen, 1876–1882).
- Steenstrup, Johannes, *Studier over Kong Valdemars Jordebog* (Copenhagen, 1874).
- Stein, Peter G., *Römisches Recht und Europa. Die Geschichte einer Rechtskultur* (Frankfurt am Main, 1997).
- Svensk Ortsnamnslexikon*, ed. Mats Wahlberg (Uppsala, 2003).
- Tamm, Ditlev, *Romerret*, 2nd ed. (Copenhagen, 2007).
- Tandrup, Leo, "Johannes Steenstrup", in *Dansk Biografisk. Leksikon*, vol. 14 (Copenhagen, 1983), pp. 33–34.
- Thrane, H., *Fra boplads til bisbeby. Odense til 1559* (Odense, 1982).
- Tuck, Richard, *Natural Rights Theories. Their Origin and Development* (Cambridge, 1981).
- Tusindtallets Danske Mønter fra Den kongelige Mønt og Medaillesamling*, ed. Jørgen Steen Jensen (Copenhagen, 1995).
- Ullmann, Walter, *A History of Political Thought: The Middle Ages* (Harmondsworth, 1965, repr. Harmondsworth, 1970).
- Ulsig, Erik, "Befolkningsfald, landgilde og jordpriser i det 14. århundrede", *HT* 101 (2001), 1–16.
- Ulsig, Erik, "Valdemar Sejrs Kongemagt", in *Jydske Lov 750 år*, eds Ole Fenger and Chr. R. Jansen (Viborg, 1991), pp. 65–78.
- Ulsig, Erik, and Axel Kjær Sørensen, "Studier i Kong Valdemars Jordebog—Plovtalsliste og Møntskat", *HT* 14.2 (1981–1982), 1–26.
- Ulsig, Erik, *Århusundersøgelsen—under det nordiske Ødegårdsprojekt* (Aarhus, 2004).
- Ulsig, Erik, *Danske Adelsgodser i Middelalderen* (Copenhagen, 1968).
- Vammen, Hans, "Skandinavisme", in *Den Store Danske Encyklopædi*, vol. 17 (Copenhagen, 2000), p. 252.
- Venge, Mikael, *Danmarks skatter i middelalderen indtil 1340*, *Dansk Skattehistorie*, vol. 1 (Copenhagen, 2002).
- Venge, Mikael, *Fra åretold til toldetat. Middelalderen indtil 1660* (Viborg, 1987).
- Verbruggen, Jean Francois, "L'armée et la stratégie de Charlemagne", in *Karl der Grosse. Lebenwerk und Nachleben*, ed. Wolfgang Braumfels, vol. 1, *Persönlichkeit und Geschichte*, ed. Helmut Beumann (Düsseldorf, 1965), pp. 420–436.
- Vestergaard, Orla, "Forkøb, landkøb og forprang i middelalderlig dansk handelslov-

- givning", in *Middelalderstudier. Tilegnede Aksel. E. Christensen på tresårsdagden 11. september 1966*, ed. Tage E. Christiansen (Copenhagen, 1966), pp. 185–218.
- Vinogradoff, Paul, *Roman Law in Medieval Europe* (London, 1909; repr. Memphis, 2010).
- Wagner, Hans, "Das geteilte Eigentum im Naturrecht und Positivimus", *Untersuchungen deutschen Staats- und Rechtsgeschichte*, 149, ed. Julius V. Gierke et al. (Breslau, 1938).
- Weibull, Curt, *Saxo, Kritiska undersökningar i Danmarks historia från Sven Estridsens död till Knut VI* (Lund, 1915).
- Weibull, Lauritz, "Nekrologierne från Lund, Roskildekröniken och Saxo", *Scandia* 1 (1928), 84–112.
- Weibull, Lauritz, *Nordisk Historia*, vol. 2, *Stat och kyrka i Danmark under äldre medeltid* (Stockholm, 1948).
- Westervelt, Benjamin Wood, "The Power to Take and the Authority to Hold: Fabrications of Dynastic Legitimacy in Twelfth-Century Catalonia", *Journal of Medieval and Early Modern Studies* 29.2 (1999), 227–252.
- Willoweit, Dietmar, "Dominium und Proprietas. Zur Entwicklung des Eigentumsbegriff in der mittelalterlichen und neuzzeitlichen Rechtswissenschaft", in *Historisches Jahrbuch*, ed. Johannes Spörl (Munich/Freiburg, 1974).
- Wood, Ian N., "Deconstructing the Merovingian Family", in *The Construction of Communities in the Early Middle Ages. Texts, Resources and Artefacts*, eds Richard Corradini et al. (Leiden, 2003), pp. 149–171.
- Woolf, C.N.S., *Bartolus of Saxoferrato* (London, 1913).

Index of Persons and Places

- Aachen 117, 118, 128
 Abel, Danish king (1250–1252) 47, 92, 172–174, 185, 242, 244
 Abodrites, land of the 126, 227, 228, 265
 Absalon, archbishop of Lund (1178–1201) 10, 19, 20, 29, 48, 49, 54, 62, 66, 96, 103, 107, 138, 156, 157, 161–163, 213, 232, 243, 282, 287–289, 291, 293, 304, 326, 334
 Accursius, Italian jurist (c. 1182–1263) 194, 197, 217, 220
 Adalbero, archbishop of Hamburg–Bremen (1123–1148) 127
 Adalbert, archbishop of Hamburg–Bremen (1043–1072) 322
 Adaldag, archbishop of Hamburg–Bremen (937–988) 22
 Adela, king, Cnut the Holly's Flemish queen 46, 315
 Adolf III, count of Schauenburg and Holstein (c. 1174–1225) 133, 332, 333
 Adolf IV, count of Schauenburg and Holstein (1225–1238) 336
 Æthelred, English king (979–1013) 320
 Agge, Danish clan leader 104, 279
 Aggersborg 16, 23, 226, 266, 320
 Agilulf, Lombard king (591–616) 35
 Albert of Orlamünde, count (1182–1245) 334, 336
 Albert von Buxhoevden, bishop of Riga (1201–1229) 333, 334, 335
 Albrecht, margrave of Brandenburg (1205–1220) 133
 Alcuin of York, abbot of Saint Martin's at Tours (c. 735–804) 265, 309
 Alexander II, pope (1061–1073) 90
 Alexander III, pope (1159–1181) 132
 Alexander III, Scottish king (1249–1286) 74
 Alfred, king of the west Saxons (871–899) 310, 312, 313
 Al-Idrisi, Arabrian geographer (c. 1154) 335
 Alphonso VIII, king of Leon (1188–1230) 180
 Alsted, village on Mid-Zealand 213
 Ambrose, St bishop of Milan (337–397) 35
 Anacletus II, pope (1130–1138) 127
 Anastasius, east Roman emperor (491–518) 35
 Ancona 137
 Anders Sunesen, Archbishop of Lund (1201–1228) 164–167, 169, 177, 184, 191, 192, 207, 217, 237, 241, 335
 Angel, legendary king 51, 304
 Ansgar (Anskarii), abbot of Corvey and missionary (801–865) 22, 80, 140, 309, 311
 Anulo, Danish king (d. 812) 77, 92
 Api Hals, peasant (c. 1172) 211
 Aquitaine 119
 Arabia 23
 Aristotle (384 BC–322 BC) 41, 43, 44, 187, 188, 194, 195, 220
 Arkona 287
 Arnedal, location in Scania 286
 Asa, legendary Danish queen ruler 94
 Askak, Skjalm Hvide's helmsman (c. 1043) 272
 Asser, archbishop of Lund (1104–1137) 19, 127, 206, 210, 213, 231, 328, 330
 Asser Rig 280
 Asserbo, village in northern Zealand 213
 Åsum 341
 Athelstan, English king (924–939) 37
 Augustus, Roman emperor (27 BC–14 AD) 43, 93
 Aute, Skjalm Hvide's brother 272
 Avderød, cillage in northern Zealand 326
 Azo of Bologna, Italian jurist and glossator (c. 1150–1225) 4, 135, 136, 138, 194, 197, 348
 Baldus, Italian jurist (1327–1400) 198, 220
 Bara, district in Scania 174, 176, 185
 Barcelona 73, 119
 Bartolus of Saxoferrato, Italian jurist and commentator (1313–1357) 4, 5, 61, 136–138, 198, 220, 223, 347, 354
 Bavaria 118, 119
 Benedict, brother of Cnut the Holy (d. 1086) 85
 Benevento 119
 Bern, duke, brother of Cnut the Great 83, 87
 Biorn Ironside, warrior (c. 1134) 279
 Bjørn, Wend 111
 Bodilsen family, the 15, 16, 203, 247, 279, 281
 Boleslaw I, Polish duke 124

- Bologna 135–137, 148, 149
 Boniface, Corsican town 119
 Börringe, location in Scania 202
 Bothild, German princess 111
 Bremen 47, 81, 87, 123, 138, 332, 333
 Brittany 118
 Bruno, archbishop of Cologne (953–965)
 121, 123
 Brutus, legendary descendant of the Trojan
 hero Aeneas 74
 Bugislav I, duke of Pomerania (c. 1130–1187)
 332
 Bukkerup, village in Mid-Zealand 247
 Buris Henriksen, Danish duke 109, 179, 248,
 288
 Burwin, Wendish prince 332
 Byorn, legendary Danish king 94
 Byzantium 23, 35

 Calabria 116
 Canterbury 151
 Carloman, Frankish king (768–771) 36
 Celestine III, pope (1191–1198) 126, 237n
 Charlemagne (Charles), Frankish king (768–
 800), emperor (800–814) 36, 76, 120, 123
 Charles the Bald, west Frankish king (843) and
 emperor (875–877) 78, 86, 225, 226
 Charles, Archbishop Eskil's nephew 288
 Charles Martel, Frankish king (718–741) 309
 Chlochilaichum, Danish king (c. 815) 262,
 308
 Chlodovech I, Frankish king (c. 486–?) 146
 Chnob, Danish king 81, 92
 Christiern, Danish clan leader (c. 1134) 104,
 279
 Christopher I, Danish king (1252–1259) 92,
 161, 172, 174, 241, 298
 Christopher II, Danish king (1320–1326) 101,
 180, 253
 Christopher, duke of Hedeby, Valdemar I's
 illegitimate son 111, 293
 Clement I, bishop of Rome (88–99) 34
 Cnut Lavard, Duke of Schleswig, Knés of the
 land of the Abodrites (c. 1096–1131) 10,
 15, 19, 25, 64, 89, 105, 109, 111, 126–128,
 141, 179, 239, 247, 276–279, 281, 286, 326–
 329, 348
 Cnut Magnussen, Danish king (1147–1157)
 46, 92, 109, 348

 Cnut the Great, Danish king (1018–1035) 8,
 14, 59, 82, 83, 87, 89, 102, 112, 113, 154, 156,
 225, 230, 231, 268–270, 315, 317n, 321,
 323, 343, 352.
 Cnut the Holy, Danish king (1086–1086) 9,
 24, 25, 50, 52, 58, 64, 66, 84, 85, 88, 90,
 92, 101, 104, 108, 113, 150, 152, 183, 203,
 214, 236, 243, 246, 249, 315, 324, 330, 343,
 352
 Cnut VI, Danish king (1182–1202) 12, 19, 20,
 21, 32, 47, 53–55, 60, 62, 92, 101, 105, 108–
 111, 132, 134, 135, 139, 163–166, 172, 179,
 184, 213, 237n, 249, 273, 332, 333, 344,
 348, 353
 Cnut, Archbishop Eskil's nephew 288
 Cnut, legendary Danish king 95
 Compiègne 117
 Conrad II, German–Roman emperor (1027–
 1039) 130
 Conrad III, German king (1138–1152) 128,
 348
 Constantine I, Roman emperor (306–337)
 36, 149, 188n, 210
 Copenhagen (Havn) 236n, 243, 291
 Corsica 119

 Dalby in Scania 125, 126, 200, 322, 223
 Dalmatia 119
 Dan, legendary Danish king 55, 93, 98, 114,
 330
 Dante (1265–1321) 42, 43, 67
 Danube, River 95, 117, 146, 313
 David, biblical king 93
 Dhnupa, Danish king 121
 Diocletian, Roman emperor (245–316) 251
 Dnepr, River 28
 Doberan, location in Mecklenburg-Vorporm-
 mern 241
 Dôle 7, 129, 138, 139, 304
 Dorestad 79
 Dragør, village on the island Amager 243,
 243n

 Eardulf, Northumbrian king 119
 Ebbe de Bastrup, Zealand magnate 277,
 277n
 Ebbe Suneson, Zealand magnate 292
 Ebo, archbishop of Reims (816–835) 117, 120
 Ecgrith, English king 36

- Edward the Confessor, English king (1043–1066) 271
- Edward I, English king (1273–1307) 245
- Eider, River 78, 117, 119, 120, 227, 262, 263–265, 318, 319, 322, 330, 336, 343
- Eirik Hákonarson, Earl of Northumbria (c. 995–1023) 268
- Elbe, River 305, 309, 329, 332, 333, 336
- Elde, River 133, 333
- Elias, bishop of Ribe (1142–1162) 129
- Eliv, duke of Schleswig (c. 1120) 326
- Ellinge, village in north-western Zealand 213
- Emma, Cnut the Great's queen (1017–1035) 38, 87, 268, 270
- Eric Ejegod, Danish king (1095–1103) 89, 92, 104, 105, 111, 126
- Eric Emune, Danish king (1134–1137) 15, 46, 50, 89, 91, 92, 94, 101, 104, 105, 126, 127, 141, 206, 247, 277–279, 281
- Eric of Falster 277, 327, 328
- Eric Glipping, Danish king (1259–1286) 92, 101, 102, 174, 179–182, 185, 186, 299, 301
- Eric Lam, Danish king (1137–1146) 15, 46, 89, 91, 92, 101, 105, 202, 236, 237, 246, 247, 277, 281, 282, 329
- Eric Menved, Danish king (1286–1319) 92, 114, 175, 180–182, 186, 298–300, 335
- Eric of Pomerania, king of Denmark, Norway, and Sweden (1389–1439/42) 215
- Eric Plovpenning, Danish king (1241–1250) 92, 102
- Esbern, Danish magnate and Valdemar I's counsellor 138, 291, 334
- Eskil, archbishop of Lund (1137–1177) 10, 12, 19, 20, 25, 29, 89, 96, 127, 131, 132, 202, 231, 247, 282, 284, 285, 288
- Esrum, village and monastery in northern Zealand 202, 204, 213, 248
- Estrid, lady 202
- Estrid, sister of Cnut the Great 83, 87, 88, 102, 113
- Falsterbo, one of the Scanian markets 241, 243
- Fehmern 258
- Felding, village in western Jutland 248
- Fodevig, the Battle of 89, 277, 279, 281, 286
- Frankfurt 117
- Frederick Barbarossa, German–Roman emperor (1155–1190) 2, 7, 25, 29, 125, 126, 128, 129, 132, 135, 139, 141, 142, 161, 180, 283, 304, 329, 330, 333, 348
- Frederick II, German–Roman emperor (1220–1250) 133, 134, 135, 333, 336
- Frederick, bishop of Schleswig (1167–1179) 289
- Fridlef, legendary Danish king 94
- Friesland 258
- Frisia/Fresi/Friesland 76–80, 117, 264, 311, 330, 343, 348, 352, 353
- Frode/Frithe/Frothi legendary Danish king 52, 58, 65, 86, 94, 95, 97, 153
- Gauzlin, bishop of Paris (834–886) 78
- Gedesby, village on Falster 247
- Gelasius I, bishop of Rome (492–496) 35
- Geltofte, village on Lolland 206
- Genoa 119, 135
- Gentofte, village in eastern Zealand 213
- Geoffrey of Monmouth, British historian (c. 1100–c. 1155) 73
- Giles of Rome, scholastic theologian (c. 1243–1316) 195
- Gl. Hviding, location in south-western Jutland 224
- Godfroid of Fontaines, French scholastic theologian (?–1309) 198
- Godfred, Danish king (d. 810) 22, 77, 78, 79, 88, 92, 97, 116–121, 140, 227, 228, 235, 263–265, 312, 318
- Gorm the Old, Danish king 8, 30, 65, 75n, 81–88, 92, 95, 102, 112, 113, 227, 314, 347
- Gorm, legendary Danish king 94
- Götaland 98
- Grathe moor 115
- Gratian, collector of canon law (c. 1150) 60, 149, 191, 194
- Great Belt, the 283, 290, 341
- Gregory IV, pope (827–844) 309
- Gregory IX, pope (1227–1241) 108, 111, 149
- Gregory VII, pope (1073–1085) 38, 39, 90
- Greifswald 245
- Grida, king Dan's German wife 98
- Gudensø, lake in eastern Jutland 211
- Gudskalk, Wendish warrior (c. 1043) 272, 324
- Gudum, village in western Zealand 213

- Gunner, biskop of Ribe (1230–1246) 237
 Gurd, Danish king 81, 92
 Gussnava, village in south-eastern Scania 200
 Guthorm, legendary Danish king 94
 Gyrid, legendary Danish queen 98, 99
- Hadrian IV, pope (1154–1159) 132
 Halberstadt 127
 Halfdan, legendary Danish king 93, 98
 Harald Bluetooth, Danish king (d. c. 986) 8, 11, 14, 16, 17, 22, 27, 30, 31, 32, 82, 83, 86, 88, 91, 92, 94, 103, 110, 112, 113, 122–124, 140, 141, 226, 227, 266, 267, 314, 315, 316, 319, 320, 343, 348, 352
 Harald Hårfager, Norwegian king (c. 872–933) 74
 Harald Hen, Danish king (1074–1080) 49, 50, 58, 59, 85, 88, 90, 91, 92, 101, 103, 113, 119, 120, 151, 152, 211, 216, 231, 272
 Harald Hildetooth, legendary Danish king 98
 Harald Kesje (d. 1135) 89, 277–279
 Harald Klak, Danish king 21, 26, 31, 86, 88, 93, 95, 101, 116, 315
 Harald, legendary king 94
 Harald, Cnut the Great's son 83, 87
 Harald, Swedish pretender to be king of Scania 107
 Hardacnut, Danish king (1035–1042) 45, 83, 87, 92, 101, 103, 270, 271
 Hardegon, Danish king 81, 92
 Hårik, Danish king (d. 854) 77, 78, 80, 92, 117
 Hårik, Danish king 80, 92
 Harold Godwinson, English king (1066) 274
 Hartvig, archbishop of Bremen (1148–1168) 66
 Hedeby 14, 111, 123, 224, 227, 228, 230, 231, 235, 236, 257, 265, 274, 285, 312, 319
 Heiligo, Danish king (d. 890) 81, 92
 Helsingland 70n
 Hemming, Danish king (d. 812) 77, 80, 92, 116, 117, 119, 140, 263
 Hencgest, king of Kent (c. 455–488) 311
 Henry de Bracton (d. 1268) 41, 60
 Henry I, German king (919–936) 17, 121, 319
 Henry III, Roman–German emperor (1046–1056) 125
- Henry IV, German king (1056–1084), German–Roman emperor (1084–1105) 39, 126
 Henry of Schwerin, count (1194–1228) 251, 336
 Henry the Lion, duke of Saxony (1142–1180), duke of Bavaria (1156–1180) 25, 29, 130, 132, 133, 142, 331–333
 Henry, Abodrite prince (c. 1129) 327
 Henry, bishop of Lund (1060–1066) 322
 Heribert, bishop of Viborg (1160–?) 322
 Heric, Swedish pretender to the Danish throne (c. 1047) 82
 Herman, bishop of Schleswig (1140–1141) 202, 204
 Herodotus, Greek philosopher (fifth century BC) 70, 305, 306
 Hethæ, legendary Danish queen ruler 94
 Hjartvar, legendary Danish king 94, 98
 Hjerm, village in western Jutland 248
 Hobbes, Thomas English philosopher (1588–1679) 61, 68
 Hodbrod, legendary Swedish king 98
 Hollingstedt 224, 227, 228, 235, 265
 Holm, the Battle of 269n
 Honorius II, pope (1124–1130) 328
 Honorius III, pope (1216–1227) 169, 334
 Hørdér, legendary Danish king 98
 Hrethel, legendary Danish king 222, 317
 Hugo Capet, west Frankish king (987–996) 38
 Hugo, son of the east Frankish king Louis II 79
 Hvide family, the 9, 10, 15, 16, 19, 20, 29, 277, 279, 324
 Hyby, parish in Scania 200
- Ingeborg, Danish princes (1175–1236) 102
 Ingeborg, duchess 111
 Ingerd of Regenstein, countess (1200–1258) 202, 203, 207, 211
 Ingiald, legendary Danish king 95
 Innocent II, pope (1130–1143) 127
 Innocent III, pope (1198–1216) 333
 Irnerius, Italian jurist (1060–1230) 188, 197
 Isefjord 50
 Isidore of Seville, Father of the Church (560–636) 60, 177
 Isøre 50, 51

- Jacob Erlandsen, archbishop of Lund (1254–1274) 161, 236n, 237n, 243, 298
 Jaromar, prince of Rügen (1170–1218) 332
 Jelling 11, 14, 16, 17, 22, 27, 30, 32, 82, 103, 140, 266, 267, 314–316, 319, 320, 342, 343
 Jens Grand, archbishop of Lund (1289–1302) 299
 Jerusalem 34, 88, 104, 334
 John Lackland, English king (1199–1216) 180
 John of Paris (1255–1306) 42, 43, 67, 198, 199
 John of Salisbury (1120–1180) 39–41, 50, 57, 58, 62, 63, 68
 John XXII, pope (1316–1334) 195
 Jumne (Jomsborg), see also Wollin 124
 Justinian, Roman emperor (527–534) 34, 114, 148, 149, 156, 187–190, 193, 195–197, 215
- Kalundborg 291
 Kalvø, location in eastern Jutland 211
 Keldby, village on the isle of Møn 247
 Kiev 28
 Korsør 291
 Kovirke 266
- Landskrona 243
 Lars Suneson 292
 Lejre, location in Mid-Zealand 55, 224
 Leo I, pope (440–461) 34, 35, 37
 Leo III, pope (795–816) 36
 Lewis (Ludowico), see Loius the Pious
 Liemar, archbishop of Hamburg–Bremen (1072–1101) 323
 Lille family, the (thirteenth century) 213
 Lindisfarne 262
 Little Frisia 283, 330, 344, 353
 Lothar I, Frankish Emperor (817/40–55) 78, 121
 Lothar II, king of Lorraine (855–869) 78, 226
 Lothar III, German–Roman emperor (1133–1137) 89, 126, 127, 130, 141, 327, 348
 Louis II the German, east Frankish king (843–876) 78
 Louis of Bavaria, German–Roman emperor (1328–1347) 44, 136
 Louis the Pious, Frankish emperor (813/14–40) 78, 117, 121, 140
 Louis V, west Frankish king (986–987) 38
 Lübeck 47, 146, 232, 235, 242, 245, 331–333, 344, 353
- Lucca 42, 135
 Lund 9, 24, 29, 55, 96, 101, 125, 132, 151, 152, 159n, 163, 202, 203, 206, 230, 231–233, 236, 238, 239, 258, 275, 281, 299, 321, 232
 Lunde 341
 Lyndanise 334, 335, 344
 Lynge, village in northern Zealand 213
 Löven, battle of 81
- Magnus Erikson, Danish magnate 288
 Magnus Nilsen, Danish prince (d. 1134) 25, 64, 89, 104, 105, 109, 126, 127, 139, 141, 277–279, 281, 327, 348
 Magnus, bishop of Wendila (1060–?) 322
 Magnus, Norwegian–Danish king (1042–1047) 83, 85–87, 92, 231, 270–272, 323, 324
 Mainz 86, 88, 93, 117, 348
 Majorca 119
 Maldon, the Battle of 268
 Malmø 243
 Margareta, sister of Cnut the Great 83, 113
 Margrete, lady (c. 1250) 207, 213
 Marsilius of Padua, Italian scholer (c. 1275–c. 1342) 4, 5, 44, 67, 135–138, 304, 347, 353–354
 Martianus Capella, Latin prose (360–428) 95
 Masnedø, isle at Vordingborg 287
 Merløse, village in Mid-Zealand 213
 Merseburg 128
 Moln, battle of 336
 Mossø, lake in eastern Jutland 211
- Næstved 46, 127, 202, 203, 236, 237, 238, 247, 281, 292
 Nicholas I, pope (858–867) 78
 Nijmegen 117
 Niklot, Wendish prince 332, 333
 Nils, Danish king (1104–1134) 15, 20, 24, 25, 28, 46, 50, 64, 85, 88–92, 101, 104, 105, 109, 113, 126, 127, 141, 201, 203, 242, 246, 272, 276–279, 281, 286, 315, 325–328, 344, 348
 Nothold, Peder Bodilsen's chaplain, bishop of Ribe (1134–?) 90, 279
 Novgorod 28, 335
 Nuklet, Wendish prince 110
 Nuremberg 136
 Nyborg 161, 175, 181, 182, 298, 299, 341

- Odder, River 17
 Odense 46, 84, 85, 88, 103, 123, 203, 206, 213, 215, 226, 237–239, 242, 246, 249, 274, 276, 285, 315, 319, 320, 321, 323, 324, 325, 341
 Odin, Nordic god 100
 Odinkar, bishop of Schleswig 22, 314
 Odrup, village in eastern Zealand 213
 Olaf Eiríksson, Swedish king (c. 980–1022) 268
 Olaf Haraldson, Norwegian pretender 66, 231
 Olaf the Holy, Norwegian king (1015–1028) 85
 Olaf Tryggvason, Norwegian king (995–1000) 268
 Olaf, Danish king (1086–1095) 46, 50, 52, 85, 88, 91, 92, 101, 103, 104, 108, 113, 272, 274
 Olaf, Danish king (1375–1387) 180
 Olaf, legendary Danish king 95
 Øm, location eastern Jutland 206, 211, 213
 Ømund, legendary Danish king 98
 Ongendus, Danish ruler (c. 710) 265
 Ørbæk 230
 Øresund (the Sound) 243
 Orosius, Paulus Gallic historian (385–420) 43, 310, 313
 Otto I, German–Roman emperor (262–273) 123, 314, 315, 319
 Otto II, German–Roman emperor (973–983) 8, 17, 124, 228, 266, 322
 Otto III, German–Roman emperor (996–1002) 123, 124, 315, 319
 Otto IV, German–Roman emperor (1209–1215) 133, 134, 292, 332, 333
 Oxford 149

 Padua 135, 136
 Paris 39, 78, 136, 149, 198
 Paschal II, pope (1099–1118) 89
 Paul, St apostle (1st century AD) 43, 149
 Pavia 129, 148
 Peder Bodilsen, Zealand Magnate 84, 89, 90, 127, 202, 236, 279, 328
 Pedersborg, village in Mid-Zealand 213
 Perugia 135
 Phillip Augustus, French king (1180–1223) 73
 Phillip of Schwaben, German king (1198–1208) 292
 Pipin, Frankish king (751–768) 35, 36, 38

 Pisa 135, 137
 Plogh Niger, assassin 104
 Poppo, bishop 122, 123
 Prislav, Wendish prince 110
 Ptolemy of Lucca (1236–1327) 42, 67, 136

 Quedlinburg 124

 Radulf, King Valdemar I's secretary 129, 340
 Rakke, legendary king Danish king 93
 Ramløse, village in norther Zealand 326
 Rane, ship-owner 289
 Ravenna 148, 312
 Raymond of Peñafort 149
 Regensburg 118
 Reginfred, Danish king (d. 814) 77, 80, 92, 117, 140, 263, 318
 Regner Lothbrogh, legendary hero 95
 Rendsburg 333, 336, 344, 353
 Reric (Abodrite town) 227, 228, 235, 263, 265
 Reval, see also Tallinn 335
 Rhine, River 77, 78, 146, 306, 312, 313, 320
 Ribe 47, 89, 123, 146, 224, 230, 232, 233, 237–239, 241, 242, 244, 298, 314, 315, 321–323, 338, 340
 Richard, count, Cnut the Great's sister Margareta's first husband 83
 Richard the Lionheart, English king (1190–1199) 251
 Riga 334, 335
 Rikulf, bishop of Odense (c. 1340) 206
 Ring, legendary Swedish king 94
 Ringsted 19, 26, 52, 53, 109, 179, 212, 227, 230, 237, 238, 247, 249, 278, 289, 290, 321
 Roar, legendary prince 99
 Rodulf, Norse Viking 226
 Rolf Krake, legendary Danish king 55, 93, 94, 99
 Rome 36, 83, 126, 137
 Rørik, legendary Danish king 97
 Roskilde 16, 22, 47, 55, 86, 87, 88, 90, 92, 105, 106, 113, 211, 230–233, 236n, 239, 243, 258, 278, 283–285, 319, 321, 323, 341
 Rostock 242
 Rothar, Lombard king (7th Century) 147
 Rouen 78
 Rügen 287, 292, 293, 328, 330–332, 336, 337, 341, 344, 345, 353
 Rurik, Danish king (d. 857) 78, 79, 92

- Saaremaa, Esthonia isle 344
 Samsø 156, 158, 265, 341
 Sandsjö, Lake in Sweden 70n
 Saône 7
 Saxo, canon at the cathedral in Lund 96
 Scanian markets 241, 243
 Schlei, the 227, 265
 Schwansen 265
 Sigerich, Danish king 81, 92
 Sigfred, Danish king (mentioned 782, 789) 77, 80, 92
 Sigfred, Danish king (d. 812) 77, 92
 Sigfred, Danish king (d. 887) 78, 79, 80, 92
 Sigwarth, legendary Danish king 95
 Sild, Frisian island 258
 Simrishavn 243
 Skanør, one of the Scanian markets 241, 242, 243
 Skate, legendary German pretender 51
 Skjoldunger, legendary Danish royal kings 95, 99, 100, 110
 Skjalm Hvide, Zealand magnate 9, 272, 277, 279, 280, 324
 Skjern, village in western Jutland 248
 Skjold, legendary Danish king 51, 58, 65, 66, 95, 99, 100
 Slagelse 125, 230
 Slagelsebo, village in western Zealand 213
 Slangerup, village in northern Zealand 336
 Snio, legendary Danish king 95
 Snjo, legendary Danish king 55, 65, 93, 95
 Søborg, castle 131, 292
 Sofie, Danish queen 111
 Soissons 35
 Sorø 212, 213
 Sporup, village in eastern Jutland 200
 Sprogø, isle in the Great Belt 290
 St Benedict 191
 St Boniface, archbishop (d. 754) 35
 St James, the first bishop of Jerusalem 34
 St Omer 38
 St Peter, disciple of Jesus 34, 46
 St Augustine of Hippo, Father of the Church (354–430) 3, 38, 42, 63
 Stenholt, village in northern Zealand 248
 Stephen II, pope (752–757) 36
 Svanhvide, legendary Danish queen 98
 Sven Forkbeard, Danish king (c. 986–1014) 11, 14, 17, 82, 83, 85–88, 91, 110, 112, 113, 230, 231, 267–270, 319–321, 343, 352
 Sven Grathe, Danish king (1147–1157) 14, 19, 46, 92, 109, 127–129, 141, 203, 233, 236, 237, 242, 246, 248, 281, 282, 284, 288, 316, 329, 348
 Sven Magnus, Danish king (1047–1074) 32, 50, 51, 53, 63, 81–88, 90–92, 101, 103, 107, 109, 112, 113, 115, 125, 126, 231, 236, 257, 260, 271, 272, 275, 277, 314, 319, 320, 323, 324, 343, 353
 Sven Trundsen, Jutlandic magnate 9
 Sven, bishop of Aarhus (1165–1191) 206, 213
 Sven, Cnut the Great's son 87
 Sverker, Swedish king (c. 1195–1208) 292
 Sylvester I, pope (314–335) 36
 Taastrup, village in eastern Zealand 282
 Tallinn, see also Reval 335
 Thames, River 270, 271
 Theodosius II, eastern Roman emperor (408–450) 148
 Thomas Aquinas (1225–1274) 41, 42, 60–63, 67, 68, 194, 195, 220
 Thor, legendary Nordic king 100
 Thorgisl Gunstensen (c. 1085) 214
 Thorkel, earl 320, 321
 Thrugi, legendary Danish king 94
 Thule, mythical land 103, 308, 310
 Thyra, Gorm the old's queen 65, 102, 227, 228, 314
 Tissø, lake in western Zealand 224, 266n
 Tømmerup, village in north-western Zealand 213
 Tønder 146
 Trelleborg, ring castle 16, 17, 23, 27, 226, 266n, 320
 Trelleborg, town in Scania 243
 Trundsen family, the 10, 282
 Uffe, archbishop of Lund (1228–1252) 237, 239n
 Uffe, legendary Danish king 96n, 305
 Ulf, duke of England Cnut the Great's sister Margareta's second husband 83, 87, 102
 Undløse, village in Mid-Zealand 213
 Ungvin, legendary king of Götaland 98

- Valdemar Cnutsen, bishop of Schleswig (1158–1236) 162
- Valdemar I, Danish king (1154–1182) 2, 7, 10, 12, 13, 16, 19, 20, 25, 26, 29, 32, 46, 48, 49, 51, 52, 54, 63–66, 75, 93, 96, 101, 102, 104–111, 127, 132, 134, 138, 139, 143, 156–158, 160, 162, 172, 178, 179, 202, 204, 213, 227, 237, 238, 243, 246, 248, 250, 277, 281–285, 287–293, 302, 304, 305, 329, 331–333, 339, 340, 344, 348, 353, 354
- Valdemar II, Danish king (1202–1241) 12, 13, 19, 24, 32, 47, 60, 92, 101, 105, 111, 133, 134, 143, 164–169, 172, 176, 179, 184, 185, 231–233, 237, 241, 242, 250, 251, 253, 254, 255, 256, 291, 292, 297, 298, 301, 329, 330, 333–336, 338, 340, 341, 344, 353
- Valdemar III, Danish king (1326–1330) 180
- Valdemar IV, Danish king (1340–1375) 12, 180, 336
- Valdemar, bishop of Bremen (1192–1194, 1206–1217) 133
- Valdemar, duke of Schleswig (1286–1312) 297
- Valentinian III, west Roman emperor (425–455) 34, 35
- Vedeman 283
- Vemmelev, village in western Zealand 213
- Venantius Fortunatus, bishop of Poitiers (d. c. 609) 308
- Venatura, Italian village 137
- Vendel 103
- Veng, location in eastern Jutland 213, 292
- Vesselin, bishop of Reval 335
- Vestervigen, at the western part of the Limfjord 274
- Viborg 52, 55, 152, 168, 207, 230, 233, 239, 281, 283, 321, 322, 335, 341
- Victor IV, pope (1159–1164) 25, 129, 132
- Villingrød, village in northern Zealand 204
- Vordingborg 165, 291, 299
- Werle 124
- Wermund, legendary Danish king 96n, 305
- Wibald, German counsellor (1098–1158) 128
- Wido, Frankish comes 118n, 119
- Widukind, Saxon king (c. 780) 263, 309
- Wiglaf, king of Mercia (827–840) 309
- Wilhelm, abbot of Eskilø and Æbelholt (c. 1165–1203) 102
- William the Conqueror, English king (1066–1087) 18, 31, 273–275
- Wismar 242
- Witzin, Abodrite king 119
- Wollin, see also Jumne 17
- Worms 39
- Ypper, legendary Swedish king 93
- Ystad 243

Subject Index

- Adel 72
Ægt (transport duty) 245, 249
Ættebod (fine) 201
Agnatic descent 71, 72
Alien (see also foreigner) 9, 49, 63, 148, 242, 244
Alminding (common land) 216, 220, 250
Ancestral land (see also family land) 204–206, 218, 219, 350
Anoint 35, 36, 38, 52, 67, 73, 109, 111
Apostolic See 34, 311
Arable farming 23, 193
Arnegæld (town tax) 239, 245
Arson 54, 150, 159, 171
Assailent 154, 162
Assassination (see also murder) 15, 25, 46, 104, 246, 275, 276, 278, 279, 288, 299, 301, 325, 328
Autonomy 39, 135, 136, 140
Avenge 141, 159

Beneficium 29, 37, 107, 130, 193, 196
Bilineal kinship 71, 72, 84
Blood Feast in Roskilde, the 105, 106
Blood money 159, 163
Bol (*mansus* corresponding to English “hide”) 22, 222, 317
Bolfæ, see movables
Borderland 116, 118, 141, 309, 315, 315n, 348
Bought land (see also Køpæ iorp) 204, 205, 206, 208–210, 213, 219, 350
Bråvallaslag 98
Bystævne (village meeting) 18

Camerarius 325, 326, 340
Canon law 59, 144, 144n, 145, 145n, 146, 148–150, 153, 154, 160, 162–164, 169, 170, 171, 172, 182–185, 197
Canonization 19, 25, 64, 85, 152
Capitulare de banno dominico 150
Carriage (see also ægt and redskud) 18
Celibacy 9, 89, 327
Christian marriage 111, 153
Christianitas 124
Church Law of Scania, the 161
Church Law of Zealand, the 161, 210

Cistercians 20, 206, 241, 248, 335
Civil war 12, 25, 140
Collective identity 306
Coloni 102, 217, 228, 247, 273
Colonization 18, 27, 215, 216
Commentators 194, 196, 197, 223
Commixta ex regno (mixed government) 41
Common good 40–42, 44, 58, 67, 195
Commonwealth 40, 67
Communism 191, 194
Concordia discordantium canonum 149
Constitutionalism 178, 186, 349, 355
Copyhold (see also emphyteuta) 190, 197, 217
Co-regent (see also joint regent) 12, 19–21, 53, 109, 175, 179, 287, 302
Coronation charter (see also handfæst) 182, 186, 253, 254, 349, 354
Corpus iuris canonici 144
Corpus iuris civilis 34, 135, 144, 148, 198, 199, 218
Cortes of Leon 180
Criminal law 158, 171, 185
Crusade 15, 285, 331
Customary law 59, 79, 144, 146, 152, 160, 182, 183, 188n
Customs duties 238, 239, 241, 244, 245, 258

Dagsværk (labour service) 238
Danegeld 225
Danehof 161, 255
Dannevirke 16, 102, 227, 228, 235, 265, 266, 290, 291, 318, 320
Danske Lov (1683) 172
Death penalty 150, 171, 173, 176
Debasement (of coinage) 232, 233, 253, 254
Dei gratia (see also grace of God) 46–48, 68
Democratic election 49
Demographic growth 23
Detention 159, 169
Divine appointment 3
Divine justification 46, 49, 50
Divine power 3, 36, 37, 38, 40, 49, 67, 194
Dominium directum 196–198, 216–218, 220, 221, 250, 341, 350

- Dominium utile 196–198, 216–218, 220, 221,
 250, 341, 350
 Drost (seneschal) 179
 Duel 51, 96n, 165
 Dynastic succession 47, 133

 Edictum Rothari 147
 Elective kingship/monarchy 9, 38, 67, 111,
 115, 178, 223
 Emigration 13, 14, 311
 Ethne 305
 Ethnicity 6, 269, 270, 301, 305, 306, 307, 317n,
 318, 321, 351
 Etymologiae, of Isidore of Seville 60, 177
 Equestri militia 290
 Executive power 41, 61, 67, 160, 164, 166
 Expansion of arable land 23
 Expedicione (military service) 236, 239, 245,
 272, 281, 292

 Fæligh (se also joint ownership) 205, 206,
 218, 219
 Fall of Man, the 38, 191
 Family land 204–209, 218, 219, 350, 354
 Family property 6, 158, 208, 209
 Famine 88, 103, 104
 Fatherland (se also patria and mother
 country) 330
 Fed (plot on the Scanian markets) 241
 Female line 84, 94, 98, 102
 Feud 10, 15, 46, 104, 105, 148, 160, 165, 183,
 256, 264, 284
 Feudal dissolution 12
 Forban (town tax) 203, 237, 238, 239, 244,
 245
 Foreigner (se also alien) 33, 48, 63, 69, 84,
 86, 107, 114, 151, 272, 320, 347, 354
 Forte (village green) 216
 Fourth Lateran Council (1215) 165, 172
 Frankalmoin 210, 211, 219
 Fraternity 28, 249
 Full proof (se also Ordo iuris) 154, 162,
 170

 Gæsteri (se also lodging) 249, 250
 Gens 305, 306, 310n, 330
 Germanic kingship (se also Germanic
 Rulership) 56
 Germanic law 146, 190, 217

 Germanic rulership (se also Germanic
 kingship) 57
 Glossators 4, 187, 196, 197
 God's law 40, 41, 152
 Gold (property) 206, 209
 Golden Bull, the 133, 134, 142, 333
 Grace of God (se also Dei gratia) 20, 25, 35,
 37, 45, 46, 48, 52, 55, 68, 162, 347
 Gratian's Decretum 60, 145n, 149, 177, 191,
 194
 Gregorian 20, 25, 132
 Guardian ruler 51, 69, 108
 Guardian of women 208, 210
 Guild 147, 234

 Haffnæ (military unit) 294
 Hagiography 84, 85, 104, 113, 273–275, 316,
 323, 324, 328
 Handfæst (se also coronation charter) 182
 Heartland (se also mainland) 6, 120, 121,
 307, 315n, 338–341, 345, 353
 Hedeby/Schleswig to Hollingstedt axis, the
 224
 Hereditary fief 109, 111
 Hereditary kingship 51, 179, 186
 Hereditary monarchy 51, 11
 Hereditary right 51, 52, 105
 Hereditary succession 20
 Heribanni (military due) 226
 Hero 48, 50, 51, 65, 66, 73, 94, 99, 227, 274,
 317
 Heroes' legends 99, 100, 114
 Heroic events 307
 Heroic narrative 95
 Heroic poetry 97, 99, 222
 Herred 14, 22, 169–171, 251, 338, 340, 341
 Herredsting 18
 High treason (se also lese-majesty) 154, 161,
 162, 167, 184
 Hird 3, 26, 28
 Hof 161, 179, 181, 182, 186, 255
 Homage (se also Oath of fealty) 7, 26, 52,
 54, 55, 60, 109, 127, 128, 139, 175, 304, 329,
 348
 Homicide 162, 169, 181
 Homicide decree 60, 62
 Housecarls 8, 20, 26, 28, 52, 55, 156, 224
 Huskarlestefne 154
 Hælg hæbrot 165

- Immigration law 151
 Imperial fief 128, 129
 Incest 72, 102
 Inherited land 205
 Inne (various services) 250, 254, 255, 256
 Inquisitorial procedure 153
 Institute of inquisition (see also *sandemænd*)
 169, 178, 185
 Investiture 38
 Investiture Controversy 24, 34, 39, 49, 57,
 64
 Iurisdictio (justice) 135, 136
 Ius (right) 135, 188, 189, 197, 198
 Ius civilis 158
 Ius commune (general European/Christian
 law) 149, 193
 Ius emphyteuticarium/ ius perpetuum (see
 also copyhold) 190, 197
 Ius natural 194

 Joint ownership (see also shared property)
 191, 204, 205
 Joint regent (see also co-regent) 52, 132

 Killer (see also murderer) 158, 159, 162, 163,
 164, 167
 Kingdom as an institution 161, 177
 King-list 74, 75, 94, 101, 102, 114
 Kingmaker 37, 50
 Konung bref (see also royal letters patent)
 175
 K  p   iorp (see also bought land) 204, 206n,
 208

 Land market 209, 213, 214
 Land rent 187, 203, 221–223, 246, 248, 249,
 255, 257, 273, 276, 350, 355
 Landowner 8, 14, 27, 169, 173, 187, 191, 210–
 213, 217, 220, 222, 248, 249–254, 261, 262,
 297, 314n, 350
 Landownership 5, 71, 158, 173, 187, 189, 209,
 212, 219, 220, 222, 229, 250, 255, 261, 350,
 354
 Landz thing (see also provincial thing) 207
 Law of Jutland, the 60, 69, 143, 145n–147, 158,
 168–174, 176–178, 185, 186, 205, 207–209,
 217, 254, 255, 292, 295–297, 300–303,
 340, 347, 349, 351, 352, 354
 Law of Scania, the 143, 146, 147, 158, 163, 164,
 166–168, 177, 178, 184, 206–208, 214–217,
 293, 294, 296, 297, 303
 Law of Zealand, Eric's 143, 147, 158, 205, 208,
 215, 220
 Law of Zealand, Valdemar's 104, 143, 144, 147,
 157–160, 162, 163, 166, 168, 178, 184, 204,
 205, 214, 250, 293
 Law of Skan  r, the 241
 Law of the retainers (see also Witherlaw and
 Lex Castrensis) 58, 59, 154, 156, 157, 162
 Lawmaker 40, 58, 68, 137, 160, 172
 Lawmaking 5, 58–60, 143, 145, 150, 153, 156,
 166, 177, 178, 184, 348, 349
 Laws on wills and succession 158
 Leding 20, 25, 27, 28, 50, 256, 292, 295, 298,
 299, 300, 301, 340, 350
 Leding duty (commuted military service)
 249, 250, 254, 255, 256, 295, 298, 299
 Legends 93, 94, 99, 100, 114, 229
 Leges Visigothorum 146
 Legitimate kingship 3
 Legitimate leadership 3
 Lese-majesty (see also high treason) 115, 148,
 154, 173, 176, 183, 286, 302
 Lese-majesty, Ordinance of 161, 162, 164, 166,
 174, 177, 184, 185, 349
 Lex Alamannorum 147, 150
 Lex Baiuvariorum 147
 Lex Burgundionum 147
 Lex Castrensis (see also Witherlaw and Law of
 the Retainers) 55, 59–62, 66, 155, 155n,
 157, 158, 162, 166, 167, 174, 183, 184, 269
 Lex Ribuaria 147, 148
 Lex Salica 146, 147
 Liber extra 149
 Liber Sixtus 149
 Libri feudorum 193, 196, 218
 Lid 6, 224, 261, 270, 301
 Limited property (see also joint ownership)
 190, 196, 197, 202, 204
 Lodging (see also g  steri) 18
 Long-distance trade 23, 24, 335
 Looting 223, 234, 257, 283, 290, 349
 L  beck–Hamburg axis, the 236

 Magna Carta 179, 180
 Maiestas populi 137
 Mainland (see also heartland) 97, 310, 310n,
 330–332

- Male line 71, 98
 Malsta stone, the 70n
 Malthusian theory 13
 Marca 116–118, 188n–120, 124, 141, 264, 314,
 315, 315n–317, 326, 348, 352, 354
 Margrave 119, 123, 130, 133
 Market tax 234
 Marriage law 108, 115
 Maternal kin 72, 205
 Maternal land 205, 210
 Maternal lineage 102, 110
 Maternal line 71, 83, 84, 89, 95, 98, 113
 Maternal succession 84
 Medieval kingship 1, 2, 5, 6, 24, 26, 28, 30, 31,
 33, 55, 68, 187, 223, 257, 259, 348, 350,
 354, 355
 Memorial culture 70, 71, 82, 103, 112, 140,
 249
 Merum imperium (highest authority) 136
 Midsommergæld (town tax) 236–239, 245,
 247
 Migration 13, 14
 Military campaigns 20, 268, 296, 303
 Military law 155n, 158, 293, 295, 297, 302,
 303, 351, 352
 Military reform 292, 293
 Military service 22, 72, 126, 150, 203, 206,
 211, 219, 236, 239, 246, 247, 249, 250,
 254, 255, 258, 261, 262, 267, 272, 273,
 275, 276, 281, 283, 285, 292, 295, 297,
 298, 299, 300, 302, 303, 348, 350, 351,
 355
 Military system 250, 256, 261, 262, 264, 282,
 293–295, 301, 302, 350
 Militia 53, 268, 276, 325
 Militia christia 38
 Militia saeculi 38
 Mint 28, 159n, 230, 231–234, 236, 237–239,
 253, 258, 321, 350
 Mint tax 230, 239
 Møbarn (girl) 208
 Monarchial institutional body 164, 177,
 349
 Monopoly of violence 23, 31
 Mortgage 214
 Mother country (see also patria and father-
 land) 7, 66, 109, 110, 115
 Movables 158, 163, 189, 196, 202, 204, 205,
 206, 208, 209, 210
 Murder (see also assassination) 9, 10, 15, 52,
 80, 85, 89, 98, 104, 109–111, 126, 127, 140,
 141, 151, 154, 164, 174, 182, 246, 274, 275,
 278
 Murderer (see also killer) 154, 159, 162, 163,
 167, 274
 Mutiny 108, 290
 National dissolution 11, 12
 National identity 1, 7, 30, 307, 308, 330,
 353
 National medieval kingdom 23, 355
 National mindset 6
 National sentiment 7
 National unity 7, 11, 15
 Nationalism 1, 307
 Natural law 41, 42, 197
 Nefgald (poll tax) 246, 275
 Network 29, 50, 96, 133
 Nordic mentality 13
 Novellae 149
 Novissimae 149
 Oath of fealty (see also homage) 14, 25,
 29, 125, 128, 129, 130, 132, 138, 139,
 141, 142, 288, 304, 305, 329, 330, 332,
 348
 Oral legends 94
 Orbodemaal 158, 160
 Ordeal of hot-iron 177
 Ordinance of homicide 162–167, 177, 184
 Ordo iuris (see also full proof) 154
 Outlawry 159
 Overlord, Danish 332, 334, 353
 Overlord, divine 3
 Overlord, feudal 14, 29, 102
 Overlord, German 29, 354
 Overlord, mortal 3
 Overpopulation 13
 Pagan 8, 22, 63, 64, 65, 70, 81, 91, 94, 102, 110,
 112, 113, 114, 120, 124, 151–153, 310, 311, 319,
 322, 323
 Papal schism 25, 129, 139
 Paraphrase of the Law of Scania, Ander
 Sunesen's 163, 164, 166, 167, 177, 184, 207,
 217
 Parliament 117, 124, 128, 129, 132, 161, 179, 180,
 181, 182, 186, 255, 349

- Parliamentary government 186, 349
 Paternal land 205
 Patria (see also fatherland and mother country) 7, 66, 78, 289, 313, 330
 Patriotism 284, 285
 Patrilineal kinship 70, 71, 84, 105, 347
 Pax Dei 149–152, 158, 183, 184
 Pawn, see Wæth
 Peacekeeping law 160
 Peace-maker 63, 68, 347
 Peace-making 24
 Petrine doctrine, the 34, 37
 Pilgrim 69, 347
 Pilgrimage 15, 88
 Pirate 13, 83, 120, 224, 283, 286, 289, 291, 293, 306, 309, 323
 Pirenne thesis, the 23
 Plough tax 159n, 251, 253, 254, 256, 338, 350, 355
 Plunder 3, 5, 12, 27, 224, 225, 234, 257, 262, 308, 323, 335
 Political parties 15, 28, 89, 96, 108, 264, 332, 324, 328, 343, 352
 Polling place 50, 51
 Popular election 3, 37, 50, 56
 Popular empowerment 56
 Popular justification 55, 56, 68, 347
 Popular legitimization 49f.
 Popular rising 52
 Popular sovereignty 4, 137
 Popular superstition 63
 Positive proof 169
 Potestas (sovereignty) 4, 135
 Powerbase 57, 343
 Power system 223
 Precaria (lease) 197
 Premonstratensians 20
 Prescriptive right 189, 215
 Private army 260, 282, 283, 286, 288, 289, 292, 302, 351, 352
 Private property 6, 158, 194, 195, 198, 206, 209, 220, 222, 223
 Promiscuity 84
 Property right 3, 6, 190, 194, 197, 198, 203, 212, 220, 223, 349, 354
 Proprietas 188, 191, 193, 196, 198
 Provincial patriotism 285
 Provincial thing 160, 170, 207, 294, 299
 Public army 282, 287, 295, 302, 303, 351
 Rape 159, 169
 Rebel 85, 107, 124, 127, 152, 263, 275, 309, 324
 Rebellion 9, 26, 29, 34, 50, 51, 54, 85, 103, 151, 162, 182, 246, 253, 274, 275, 288, 289, 324, 325, 328, 343
 Redskud (transport duty) 245
 Reform movement 39, 150
 Regnum 4, 6, 13, 15, 33, 118, 119, 162n, 179, 304, 305, 330, 342, 352
 Renovatio monetæ 232, 354
 Res publica 36, 39, 62, 138, 189, 216
 Revenge killing 96n, 104, 147, 148, 158, 159, 160, 163, 167, 171, 183
 Revolt 52, 54, 107, 278, 298, 300
 Riot 104
 Robbery 5, 224, 257, 349
 Roncaglia provisions 161, 273
 Royal birth 3, 108, 115, 347
 Royal chancellery 47, 338
 Royal descent 3, 74, 75, 95, 102
 Royal genealogies 5, 72, 73, 91, 113
 Royal letters patent (see also konung bref) 175, 176, 178, 185
 Royal lineage 83, 84, 323
 Royal prerogative 5, 6, 58, 143, 145, 153, 166, 183, 186, 204, 243, 270, 274, 281, 286, 287, 288, 301, 302, 348, 349
 Royal right 176, 202, 203, 246–249, 270, 272, 273, 276, 292, 301, 341, 342
 Royal tax 173, 176, 203, 212, 217, 222n, 223, 228, 238, 2245–250, 254, 256, 298, 303, 342, 350, 355
 Runic stone 11, 14, 16, 22, 27, 30, 32, 70, 70n, 82, 112, 140, 141, 199–201, 218, 267, 314–316, 319, 342, 343, 350
 Sacerdotium 13, 15, 33, 179
 Sacrilege, see hælgþæbrot
 Sandemænd 169–171, 176, 178
 Scania revolt, the 54, 107
 Schipæn (military unit) 294
 Shared property (see also joint ownership) 203, 204, 218, 219
 Skjoldungerne, legend of 99, 100, 110
 Skøtæ (convey land) 207, 207n
 Slave 17, 27, 138, 151, 155, 189, 224, 227, 257
 Sløkifrið børn (illegitimate children) 208
 Social stratification 53, 54
 Sovereign kingdom/monarchy 130

- Speculum regale 25, 33 f., 62, 75, 346, 347,
 354, 355
 Stabularius 325, 326, 344
 St Benedict's monastic rule 191
 Stranwraech 203
 Stud (aid) 250, 254–256
 Styrisman (local organizer of mobilization)
 294, 296, 300, 303
 Suenbarn (boy) 208
 Sysæl thing (district thing) 297
 Syssel (district) 14, 232, 253

 Tax exemption 237, 255
 Temperate royal rule 44
 Territorial tax 257
 Thord articles 172
 Tingleth (army) 155, 269
 Torvegæld (town tax) 238, 239, 245
 Torvekøb (permission to trade for aliens)
 244
 Tributary kingship 187
 Tribute 5, 27, 102, 124, 130, 222n–226, 228,
 257, 323
 Trælle (slaves) 17

 Ummelandsfahrer 242, 244
 Universitas 4, 40, 62, 136, 137
 Urbanization 28, 238, 258
 Urne thing 104
 Utganzlething (foreign war expeditions)
 293, 294

 Valdemar II's Ordinance 164, 165, 167, 184
 Valdemars, the glory days of 12, 24, 172
 Valdemarstid 12, 19
 Vandalism 159, 163, 181
 Vassalage 14, 15, 20, 21, 29, 31, 32, 76, 79,
 89, 116, 121, 130, 134, 140, 141, 142, 332,
 348
 Vigilantism 159
 Viking Age, the birth of 11
 Viking, creation of the notion 225
 Viking expeditions 11, 12, 13, 15, 18
 Village field 216, 220
 Villicus 325, 326, 340
 Vmboz man (royal provost of mobilization)
 296
 Volumen parvum 196
 Vordingborg ordinance, the 175 f.
 Vulgar Roman law 183, 188

 Wæth (pawn) 214
 Warfare 6, 153, 234, 260, 261, 268, 282, 290,
 295, 352
 Warlord 6, 24, 26, 76, 92, 223, 225, 230, 234,
 257, 260, 261, 263, 264, 270, 271, 276,
 277, 279, 282, 284, 301, 302, 318, 321, 351,
 355
 Wichingos 224
 Widow 46, 63, 69, 150, 208, 268, 315, 347
 Witherlax law (see also law of the retainer
 and Lex Castrensis) 156